

Independent Review of the provision of legal services on the Isle of Man

A. Foreword

After several unforeseen delays caused by Covid and other related and unrelated problems, I am now able to present to the Minister for Justice and Home Affairs and the Government of the Isle of Man my report following a review of certain aspects of the legal services sector. As will be well known within the Island's political and legal circles, and to a lesser extent outside those communities, the catalyst for this Review was an earlier two-stage consideration of the Isle of Man's legal services sector by the Tynwald's Constitutional and Legal Affairs and Justice Committee (the "Committee") and by the Government.

First, in February 2018, the Committee announced it was to conduct an inquiry into the regulation of the legal services in the Isle of Man with reference to the role of the Isle of Man Law Society ("IOMLS") and the Advocates Disciplinary Tribunal ("ADT"). In April 2018, the scope of that inquiry was extended to cover the process of becoming a Manx advocate. The Committee concluded its inquiry and reported its findings and recommendations to Tynwald in November 2020 (the "Report"). It suggested that reform was needed in several areas but also recommended that an independent review be carried out by someone with legal experience, but from off-Island and who had not practised in the Isle of Man, to consider the issues highlighted in the Report.

Secondly, in April 2021, Tynwald approved the Report including some amended recommendations and a response from the Government in which some, but not all, of the Committee's recommendations and conclusions were accepted (the "Response"). It was, however, agreed that there be an independent review. I was invited to conduct the independent review in January 2022 by the Deputy Chief Minister and Minister for Justice and Home Affairs, Mrs Jane Poole-Wilson MHK. This report is the result of that independent review (the "Review").

I came to Douglas twice in the summer of 2022. I met, amongst others, the Chief Minister, the Minister and her officials (in particular Daniel Davies, the Chief Executive Officer of her department, who has been my main point of contact in the Isle of Man),

the First Deemster, HH Andrew Corlett, the Third Deemster, HH Graeme Cook, and Jeremy Storey QC (now KC), the then-Judge of Appeal. I also met the Solicitor General (now the Attorney General) Walter Wannenburg KC, Stuart Quayle, the then Chief Registrar, and Paul Blake, Head of Banking and Fiduciaries at Finance Isle of Man. Kathryn Clough, the President of the Law Society, was very helpful not only in welcoming me to the IOMLS's offices but also in providing me with written submissions as well as introductions to practitioners in Douglas and from other towns on the Island. Some had qualified as Manx advocates, some had qualified off-Island, and some were dual qualified. In addition, I met trainee advocates and new entrants to the profession.

In London, I had meetings with two Panel (part-time) Deemsters, Aidan Christie KC and Bernard Richmond KC, and spoke on screen with Miceál Barden, the CEO and Dean of the Institute of Law Jersey, Neville Benbow, the CEO of the Law Society of Jersey, and Rose Colley, the President of the Law Society of Jersey. I also spoke to and was emailed by Professor Claire de Than, Miceál Barden's predecessor.

I additionally received, both directly and indirectly, via the Department for Home Affairs, a number of written submissions by email and post from interested members of the public, including those that had experience as litigants (the "Public Submissions"). Whilst it was not possible to refer to each submission individually, all of these representations have been considered and have provided useful context in reaching my conclusions. As was made clear in my terms of reference and in the announcement of my appointment, I could not act as an additional appeal system within the Isle of Man nor arbitrate disputes between litigants. I know this will have been a source of frustration to those whom I have been unable to assist directly but that is, I fear, unavoidable.

Whilst the Public Submissions, by their nature, are not and could not be a perfect sample of the public's views, a number of common themes did emerge. People spoke about the difficulties they experienced in finding legal representation, especially if their case was thought by them to be critical of the Isle of Man Government or another advocate. The difficulties of avoiding conflicts of interest in a small community where such issues are harder to avoid than in a larger jurisdiction were also discussed. Some people expressed

concerns about whether the IOMLS could effectively operate as both the legal profession's representative body and its regulator. Concerns were also raised about the quality of Manx advocates, and the lack of a formal Continuous Professional Development ("CPD") system.

Without exception, however, everyone I met face to face, remotely via Zoom or Teams, or in writing, was, if clearly curious about what I would conclude, hospitable, welcoming, polite and cooperative. I have been treated with the utmost courtesy and kindness and am very grateful to all who have assisted me with my endeavours. I hope I made it clear that, as an outsider, albeit a lawyer of over 45 years' experience and a member of the Bars of England & Wales and of Northern Ireland, and with the assistance of Samantha O'Brien O'Reilly, a member of the Bars of England & Wales and of Ireland, I was embarking on my work in a spirit of genuine inquiry intending to highlight not only what was good in the legal services sector in the Isle of Man, but also with a view to pointing out those things which could, without damaging the unique character of the Isle of Man's independent jurisdiction and legal system, allow the Isle of Man to improve and thrive in a fiercely competitive international market. There are, I am sure, many more witnesses whose evidence and opinions I might have benefited from hearing, but there comes a point in all exercises of this nature when one has to end the evidence-gathering and start writing.

I have found, perhaps unsurprisingly, a mixed picture: things to celebrate and things I believe need changing, but with all my conclusions and recommendations, I have advanced from the evidence and in a spirit of constructive criticism, admiration, and goodwill. I hope it will be seen that I have come with a lantern, not a pickaxe. This is my Review: it is not an indictment. The legal profession, the justice system, and the rule of law in the Isle of Man are not in the dock. I hope what I have to say will assist the Isle of Man and the Government, members of Tynwald, academics, lawyers, and users of the legal system in the Isle of Man. This Review is also intended to help the public, be they civil litigants, witnesses or criminal defendants, indeed, however they come into contact with lawyers and the legal services sector. In short, this Review is intended for all those interested in justice, and to help them see the legal services sector and those who practise within it as a valuable, valued, accessible, and relevant part of,

and contributor to, the life of the community and all those who live and work in, or visit the Isle of Man.

This is, above all, a Review for public consumption and comment and I hope that it will encourage constructive new thinking and, where necessary and appropriate, reform. Chronologically, it follows on from the 1991 Clothier Report and 2001 Calcutt Report and, more obviously, from the recent Report of the Constitutional and Legal Affairs and Justice Committee and the Government's Response to it. That said, the recommendations in this Review are mine and mine alone. They are put forward for consideration by others and are there to be tested and, if necessary, tested to destruction.

I confess that the path to completion has not been smooth, but any difficulties thrown in my way have affected us all equally. That I have now produced a Review is a testament to the patience and willingness of my witnesses who many months ago took time off from their daily work and other activities to provide me with written and oral evidence. It is also a testament to the industry of Samantha O'Brien O'Reilly from my Chambers whose assistance has proved invaluable, and without whom this Report would not have been completed, and to the patience and goodwill of Mrs Poole-Wilson and Mr Dan Davies who may sometimes have thought that my Review would never see the light of day.

The Rt Hon The Lord Garnier KC
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March 2023

B. Introduction

1. In February 2018, the Committee announced an inquiry into the regulation of legal services in the Isle of Man, with reference to the role of the IOMLS and the ADT. In April 2018, the scope of this inquiry was broadened to include the process of becoming a Manx advocate.

2. In November 2020, the Committee reported to Tynwald on the outcome of this inquiry. Shortly put, the Committee concluded that reform was needed in a number of areas, discussed in more detail below. One of the recommendations of the Report was that there should be an independent review by someone who had not practised law in the Isle of Man to consider the issues highlighted in the Report and make recommendations for implementing improvements.
3. In April 2021, Tynwald approved the Report, including some amended recommendations and a response from the Council of Ministers. This Response is discussed further below. In January 2022, I was appointed by Tynwald to consider and produce options to implement the Tynwald approved recommendations, recognising the need for improvements whilst still maintaining the distinct character of the Island's legal system. I was also charged with reviewing and recommending reform of the current regulatory and legislative framework in which legal services are provided in the Isle of Man.
4. I should say at the outset that Mrs Poole-Wilson was the Chair of the Committee that made the Report under discussion. She was appointed as Minister for Justice and Home Affairs in October 2021. For the avoidance of doubt, I am satisfied that although Mrs Poole-Wilson has been part of this Review process both as the Committee's Chair and as the relevant Minister, her undoubted personal integrity and independence have been reinforced by the terms of my appointment as someone from off-Island and with no prior experience of the legal services sector in the Isle of Man. She has at no stage sought to influence my conduct of or the contents of my Review and the conclusions or recommendations in it are mine and mine alone.
5. I began this Review with the knowledge that, in the past 35 years, the provision of legal services in the Isle of Man has been a topic which has generated a good deal of analysis and political debate. In December 1988, Tynwald approved a recommendation from the Advocates' Fees Committee that the Governor in Council appoint a Commission to inquire into the issues raised in its report and more generally into the law and practice relating to the provision of legal services in the Isle of Man. This resulted in the Report of the Commission of Inquiry into

Legal Services, chaired by Sir Cecil Clothier KCB QC, in 1990 (the “Clothier Report”).

6. In or around December 1999, the Council of Ministers appointed a Commission to investigate and report on the regulatory and disciplinary procedures which apply to those practising law in the Isle of Man. This Commission, chaired by Sir David Calcutt QC, reported in January 2001 (the “Calcutt Report”).
7. Further, in February 2012, Tynwald established a Select Committee to examine the reasons for delays and deficiencies in respect of case management with regard to Civil Legal Proceedings.
8. My aim was therefore to build upon what had come before and, in particular, to add value to the debate by examining the provision of legal services in the Isle of Man through the lens of what is needed in a modern, connected world. The nature of work, and indeed the world, has fundamentally changed over the last 35 years and no doubt will change even more in the next 35. The world is becoming smaller thanks to the speed and ubiquity of electronic communication. This presents opportunities for jurisdictions like the Isle of Man, but it also presents challenges. The Isle of Man is not alone in having to tackle the question of what it means to be a small, independent jurisdiction in an increasingly interconnected world. It is to the Isle of Man’s credit that in times of change and international tension, it meets this challenge head-on through self-examination and by seeking to make improvements rather than by hoping that business as usual will suffice or that world events will pass it by untouched.
9. The importance of legal services to the economy of the Isle of Man cannot be underestimated. According to the most recent figures, legal services directly contributed approximately £37.7m to the Isle of Man’s GDP (0.7%). The sector employed, as can be seen in the chart below, up to 449 people in 2021 and 2022:

2021	Q1	449
	Q2	435

	Q3	440
	Q4	448
2022	Q1	439
	Q2	436
	Q3	433
	Q4	435

10. The legal services sector is also a necessary and integral part of the wider financial services sector on the Isle of Man, which accounts for £2.2 billion (45%) of the Island's GDP and 9,400 jobs. The World Bank stated that the Island's GDP totalled US\$7.32 billion in 2019¹.
11. According to the Isle of Man Cabinet Office figures for 2020/2021², Insurance continues to be the largest sector of the Island's economy, accounting for 22.4%, with eGaming contributing 11.2% to the economy. The remaining three of the five largest sectors of the economy were Other Finance and Business Services (9.3%), Other Professional Services (7.2%), and Information and Communication Technology (6.8%). Company income continues to be the main driver of the Island's economy, accounting for 59% of the Island's economy, falling somewhat from 64% in 2019/20. Personal incomes represent 31% of the Island's economy, and have grown 0.2% in real terms since 2019/2020.
12. Further, especially in a jurisdiction of 84,000 people³, a healthy, independent and robust legal sector is vital to ensure public trust in the rule of law.
13. As part of this Review, I visited the Isle of Man twice, first in May and secondly in July 2022. During these visits, I met a variety of people interested both directly and indirectly in the provision of legal services in the Isle of Man. I am grateful to all those who gave up their time to meet me. I was also heartened by the wide range of the Public Submissions I received. A list of all those who submitted their views or experiences to this Review can be found in the Appendix. In certain circumstances,

¹ <https://tradingeconomics.com/isle-of-man/gdp>

² <https://www.gov.im/about-the-government/departments/cabinet-office/statistics-isle-of-man/national-income/>

³ 2021 census

some people asked that their submissions be anonymous and that has been respected.

14. My terms of reference were as follows:

1. *“The review should consider and report on the conclusions and recommendations identified by the Committee, considering the provision of legal services on the Island.*
2. *The reviewer should engage with relevant stakeholders to assist with consideration of the recommendations and conclusions in the Committee’s report”⁴.*

15. The scope of my review was defined as follows:

“The review will consider reforms to the Manx legal services framework as identified in the Tynwald Constitutional and Legal Affairs and Justice Committee’s report, the Council of Ministers’ subsequent response and the recommendations approved by Tynwald in in April 2021.

In particular, the review should consider:

- *the Law Society’s proposals to revise its system for qualification for Manx students and address the issues of a route to the Manx Bar for those without a legal degree.*
- *requirements regarding training and continuous professional development post qualification.*
- *the use and value of practicing certificates for improved consumer protection and oversight of all who practice law on the Island, including barristers and solicitors from other common law jurisdictions.*

⁴ https://consult.gov.im/home-affairs/about-the-legal-services-review/supporting_documents/2021%2006%2015%20TOR%20Independent%20Review%20FINAL%20redacted%20costs.pdf

- *the process for re-qualifying as a Manx advocate for barristers and solicitors from other common law jurisdictions and identify any amendments or improvements to this system.*
- *the current system of right of audience at the Manx bar and whether it requires amending, and if so, what alternatives there may be to this system.*
- *the process by which non-Manx qualified legal professionals are permitted to practice on the Island and how they are regulated and what may be done to improve this system.*
- *options for reform of the complaints process and the disciplinary system for advocates*
- *the role of the Law Society as regulator and representative body of the legal profession; and*
- *such other areas as may be relevant to consideration of the provision of legal services in the Isle of Man.*

The review should consider the views of a wide range of stakeholders connected to or affected by the provision of legal services in the Isle of Man.

The review should not consider individual matters or give judgment on settled cases or those currently within the legal system”⁵.

16. I have taken the following approach to this Report. The Committee identified two main areas where it recommended reform: (1) Entry to the Profession; and (2) Regulation and Governance.

17. I have taken each of these areas and set out the Committee’s main conclusions and recommendations, as well as the Council of Ministers’ subsequent Response and the recommendations approved by Tynwald.

⁵ https://consult.gov.im/home-affairs/about-the-legal-services-review/supporting_documents/2021%2006%2015%20TOR%20Independent%20Review%20FINAL%20redacted%20costs.pdf

18. The Committee made a number of recommendations. The Council of Ministers and Tynwald agreed with some, but not all, of these. In particular, the Council of Ministers noted that:

- The legal aid system was currently being reviewed by the Attorney General.
- Some of the issues identified by the Report were already under consideration and development by the IOMLS, for example, revision of the training programme for people wishing to qualify for the Manx Bar.
- They would welcome an in depth review of the full impact and consequences of the Committee's recommendations.

19. The Council of Ministers had the following areas of agreement with the Report:

- The need for reform of the ADT.
- The need for a clear CPD programme not only for Manx advocates, but also for all who offer legal services on the Island.
- The current regulatory and legislative framework in which legal services are provided in the Isle of Man is in need of review and reform.
- The training system is out of date (albeit it also noted that "*The current system of qualification in the Isle of Man is rigorous and ensures a consistently high standard for all those who wish to practice at the Manx Bar*").
- There should be enhanced regulation in respect of continuing fitness to practice.
- Legal professionals who practise in the Isle of Man, but who hold a qualification from another jurisdiction, should be subject to more rigorous oversight.
- There is an inherent conflict in the IOMLS's dual roles of regulator and representative body.

20. There were the following areas of disagreement between the Committee and the Council of Ministers:

- The urgency of any need for reform.
 - Whether the system of qualification ought to be brought in line with the non-graduate entry system in England and Wales.
 - Whether the Temporary Advocates' Licencing system needs to be reformed.
 - Whether to describe legal practitioners qualified off-Island as advocates whilst applying practice limitations is the best way to ensure they are subject to more rigorous professional oversight.
- I note the Council of Ministers had the following concerns:
- Some of the Committee's recommendations might have an adverse impact on maintaining the distinctive character of the Island's legal system.
 - The international and reputational impact of the Report which described the whole of the Isle of Man's legal system as in urgent need of reform when the Committee did not find that to be the case.
 - That the phasing out of the Graduate Diploma in Law has not been fully addressed. This route allows students with a non-law degree to convert to a legal degree. I note the Council of Ministers believed it was incumbent on the IOMLS to address this gap urgently to ensure it could respond to the then forthcoming changes in England and Wales and that there was a clear route to qualification for Manx students.
 - There is a need for improved consumer protection through increased professional oversight for Manx advocates and others practising on Island, possibly linked to CPD and an assessment of an up to date right to practice.
 - The use of practising certificates as an alternative route to qualification to the Manx Bar is potentially problematic and is likely to prove difficult to implement in practice. The Council believed that this matter required further exploration and recommended that this is a matter to be considered by this Review.
 - The Council saw the differences between Manx Law and the law of other common law jurisdictions as necessitating caution before

simplifying the process for qualifying as a Manx advocate for barristers and solicitors already qualified in other common law jurisdictions (“requalification”). It could mean advocates practising in the Isle of Man who have relatively limited experience of Manx law.

- Giving off-Island legal practitioners automatic temporary licences and a right of audience in Isle of Man courts when they are instructed by a Manx advocate could turn the Island into a circuit of the High Court in England and Wales and lead to advocates simply acting as solicitors. There are additional complexities to do with regulation and insurance that would flow from that automaticity, particularly where standards differ between jurisdictions. There are also questions which cannot easily be answered about who the regulator would be and what sanction may be applied to those who did not meet the required standards of the IOMLS. The current restrictions safeguard the public by ensuring that cases falling under the Isle of Man’s jurisdiction are dealt with by a legal practitioner who has suitable expertise and capacity to fully represent their client under Manx law.

21. Having considered the views of a wide range of people connected to or affected by the provision of legal services, I evaluated each of the Committee and the Council of Ministers’/Tynwald’s main conclusions and recommendations against the following question: Would the implementation of this recommendation strengthen the legal sector’s ability to provide legal services in a manner that benefits the Isle of Man now, and over the next 20 years?

22. The question that arises from this is what are the Isle of Man’s needs, both now and in the future? It became clear to me from an early stage that it is in no one’s interest for the Isle of Man to become a legal outpost of England and Wales. The Manx identity, which is expressed in its legal system as much as anywhere, is unique and worth celebrating and protecting. Whilst there are challenges inherent in any small, independent jurisdiction, it is precisely this independence which enables the Isle of Man to offer something different to the international business community and to meet the particular needs of its own people in its own way.

23. I was grateful too to have had the benefit of considering the Isle of Man’s economic strategy ‘*Our Island, Our Future*’ which was approved by Tynwald in November 2022. ‘*Our Island, Our Future*’ highlighted the importance of a resilient and sustainable economy to the continued success of the Isle of Man as a whole. It recognised the “*somewhat precarious nature*” of the Isle of Man’s current economic situation, in particular the challenges that may flow from the demographics that the Isle of Man will face in the future. It further noted that the Isle of Man aims to grow its active working population by making the Island an attractive place to live and to do business.
24. It must therefore be uncontroversial to suggest that there is a need for the Isle of Man to have a robust legal sector, and one which is able to support and add value to a prosperous economy with a growing population. In other words, it is essential that the Isle of Man has and provides the right environment for a robust, independent, modern, and outward-looking legal sector in which both its own people and the off-Island client base have confidence.
25. With this in mind, I came to a number of conclusions and made several recommendations. These are set out in detail throughout this Review and in the section ‘Conclusions and Recommendations’.

C. Executive Summary

The Committee’s Recommendation	The Manx legal system is in urgent need of reform.
The Council of Ministers’ Recommendation	Tynwald notes and agrees that aspects of the Manx legal services framework are in need of review and the Council of Ministers is committed to ensuring that reform is considered and undertaken following such a review.
My Recommendation	The IOMLS and other entities, both before and after the announcement of this Review, have already initiated some reforms. More needs to be done in some areas, but the picture is a long way

	from the bleak impression one might get from the use of the words “urgent need”.
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The Committee’s Recommendation	The training system for Manx advocates is out of date and insufficient.
The Council of Ministers’ Recommendation	The Council of Ministers agrees that the training system for Manx advocates is out of date. This point is acknowledged by the IOMLS who are actively seeking to replace the current system and the Council urges the IOMLS to conclude this work as soon as possible. This links to the recommendation which considers the changes made to the qualification system in England and Wales.
My Recommendation	The training system is out of date and insufficient, but the IOMLS has already recognised this and has taken steps to change things for the better.

The Committee’s Recommendation	The system for qualification should be brought into line with the qualification system in England and Wales.
The Council of Ministers’ Recommendation	That Tynwald notes the changes being made to the entry requirements to the legal profession in England and Wales and directs the IOMLS to revise its system for qualification to ensure there remains a clear path to qualification for Manx students and addresses the issue of a route to the Manx Bar for those without a legal degree.
My Recommendation	The route to joining the legal profession needs to be more straightforward and the profession itself would benefit from being drawn from a wider cohort, but I do not recommend that the Isle of Man immediately copies the non-graduate entry system recently adopted in England and Wales. The Isle of Man should consider the matter in the light of the experience in England and Wales in 2 years’ time and decide from a position of knowledge whether a similar change is required in the Isle of Man.

The Committee’s Recommendation	There should be a system of practising certificates for Manx advocates and others practising on the Island.
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The Council of Ministers' Recommendation	The use and value of practising certificates for improved consumer protection and oversight of all who practice law on the Island, including barristers and solicitors from other common law jurisdictions, should be explored by an independent review into the provision of legal services in the Isle of Man.
My Recommendation	I agree that Practising Certificates should be introduced. There needs to be a regulatory or certification system underpinned by a regime of CPD.

The Committee's Recommendation	The process for re-qualifying as a Manx advocate for barristers and solicitors from other common law jurisdictions should be simplified.
The Council of Ministers' Recommendation	The process for re-qualifying as a Manx advocate for barristers and solicitors from other common law jurisdictions should be explored by an independent review into legal services in the Isle of Man.
My Recommendation	It is important to maintain the Isle of Man's independence as a separate jurisdiction and legal profession, whilst encouraging lawyers from off-Island to live and work here. I recommend a system that caters for both the experienced and less experienced overseas entrant with, say, 10 years' post-qualification experience providing the boundary between the need for requalification and some acceptable form of approval.

The Committee's Recommendation	It should be possible for legal practitioners to be given automatic temporary licences, giving them right of audience in Isle of Man courts, if they are briefed by a Manx advocate.
The Council of Ministers' Recommendation	An independent review should assess whether the current system of right of audience requires amending and if so, what alternatives there may be to this system.
My Recommendation	It is important to maintain the Isle of Man's independence as a separate jurisdiction. I do not recommend that there be an automatic right for overseas lawyers to appear in the courts of the Isle of Man. The Island's courts, not its advocates, should remain the arbiter of who may appear before them.

The Committee's Recommendation	Registered Legal Practitioners should be classed as Manx advocates with a restricted licence, based on demonstrable experience and expertise.
The Council of Ministers' Recommendation	The process by which non-Manx qualified legal professionals are permitted to practice on the Island and how they are regulated should be considered by an independent review of Manx legal services.
My Recommendation	If my recommendation that there should be a regulatory or certification system underpinned by a regime of CPD is accepted, the concept of the Registered Legal Practitioner becomes redundant.

The Committee's Recommendation	A system of Continuous Professional Development should be introduced.
The Council of Ministers' Recommendation	The Council of Ministers supports this recommendation for all who provide legal services on the Island.
My Recommendation	I agree. It should neither be a tick-box exercise nor over-burdensome and disproportionately expensive. A properly run and directed CPD system will help enhance the legal services sector. The IOMLS must embrace such a system now rather than having others impose a less welcome system later. The IOMLS should publish its new formal CPD regime as soon as possible.

The Committee's Recommendation	The IOMLS should not be the representative body and the regulator.
The Council of Ministers' Amended Recommendation	The Council of Ministers agrees that there is an inherent conflict in the dual roles of regulator and representative body and would support further consideration of this matter. This matter should be considered by the review.
My Recommendation	Whilst this is an understandable recommendation, I suggest that given the size of the legal profession, it would be impractical and disproportionately expensive to implement. In order to minimise any risks posed by the IOMLS's dual role, immediate consideration should

	be given to the proposed reforms of the IOMLS and the ADT recommended by this Review.
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The Committee's Recommendation	The disciplinary system for advocates should be reformed and, in particular, the ADT in its current form should be abolished.
The Council of Ministers' Recommendation	The disciplinary system for advocates should be reformed and that this should be considered as part of the independent review of legal services on the Isle of Man.
My Recommendation	The ADT should be reformed. There would be no recognisable benefit in abolishing it. It should be more accessible to the public and, subject to the need for confidentiality in particular cases, should hold its hearings in public. Appointments to the ADT should be time-limited. The Law Officers themselves, or an independent advocate instructed by one of the Law Officers, should present complaints to the ADT.

The Committee's Recommendation	<p>That the Council of Ministers should commission an independent review of the regulation of legal services in the Isle of Man, chaired by a person who has not practised law in the Isle of Man. The review should consider options for implementing the reforms identified in this Report, in particular:</p> <ul style="list-style-type: none"> • The development of better resources for training advocates; • Introduction of practising certificates; • A new, faster route to requalification as a Manx advocate for foreign qualified lawyers; • Keeping qualification in step with England and Wales; • The abolition of the category of Registered Legal Professional; • A definition of the 'provision of legal services in the Isle of Man'; • The separation of regulation from representation; and • A more transparent, user-friendly complaints system, ideally with a single point of entry, which is able to provide proper guidance as to the standards of conduct expected of all lawyers practising on the Isle of Man.
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	The Review should report by July 2022.
The Council of Ministers' Recommendation	That the Council of Ministers should commission an independent review of the regulation of legal services in the Isle of Man, chaired by a person who has not practised law in the Isle of Man. The review should also consider options for implementing identified reforms.
My Recommendation	I have not practised law in the Isle of Man. Whilst it was not possible to complete this Review by July 2022, I have considered options for implementing the reforms identified in the Report and have made recommendations as appropriate.

D. Entry to the Profession

Initial Qualifications for Entry

26. Until recently, Section 16 of the Advocates Act 1995 supplemented by the Advocates Admission Regulations 1987 (as amended) provided the statutory and regulatory basis for qualifying as a Manx advocate. The 1987 Regulations have now been revoked⁶ and replaced by the Advocates Admission Regulations 2022 (the “Regulations”)⁷. These Regulations came into effect on 21 November 2022, following discussions that summer between the IOMLS and the Deemsters.

27. The current position, therefore, as regards initial qualifications for entry to the Isle of Man legal profession is set out in paragraph 5 of the Regulations. It states that the First Deemster shall be “*satisfied*” that a person is eligible to enter into articles if the Council of the IOMLS certifies:

- That the person is qualified as set out in paragraphs 5 (2) and (3) of the Regulations, i.e. that the person is qualified to practise as a barrister, advocate or solicitor in any part of the United Kingdom or the Republic of Ireland or holds a qualifying law degree which includes the core subjects of contract, tort, criminal law, land law, trusts and constitutional

⁶ Para 14 of the 2022 Regulations

⁷ <https://www.tynwald.org.im/spfile?file=/business/opqp/sittings/20212026/2022-SD-0305.pdf>

and administrative law; or holds at least a second class honours degree from a university, college or other body authorised by a Royal Charter, Act of Tynwald or Act of Parliament to grant degrees, or an qualification issued by any other body which is accepted by the Council as equivalent, in any subject, and has completed an introductory law course; or holds some other legal qualification approved by the Council and the First Deemster.

- The Council has interviewed the person, or the person has been interviewed by a sub-committee of the Council, for the purpose of ascertaining the character and suitability of the person to enter into articles and to sit the advocates examination; and
- The Council is satisfied as to the character and suitability of the person⁸.

28. “*Introductory law course*” means a course which is approved by the Council and which provides tuition in the core subjects for graduates who have not received tuition in all of those subjects.

29. It appears that that the new Regulations were prompted at least in part by the decision in England and Wales to discontinue the Legal Practice Course (“LPC”) and replace it with the Solicitors Qualifying Exam (the “SQE”). Previously, in order to qualify as a Manx advocate, an individual had to have passed a legal vocational course, either the LPC or the Bar Professional Training Course (the “BPTC”).

30. In their written submissions to this Review, the IOMLS noted:

“The Society was deeply concerned by the loss of the Legal Practice Course in England and Wales (which, together with the BPTC, was a recognised feeder qualification for admission into a Manx training contract) and its replacement with the SQE, as the route to qualification as an English solicitor. These changes were viewed negatively by the Society. Consequently, the Society supported steps not to

⁸ Paragraph 5(1) of the Regulations

recognise the SQE as a pre-qualification of admission to a training contract to become an Advocate”⁹.

31. The IOMLS further stated:

“The Society considers that any candidates wishing to practice as an Advocate should still have taken and passed, with a minimum of 2:2 classification, a law degree, or alternatively have taken and passed any degree with a minimum of a 2:2 classification and the PGDL”¹⁰.

32. It is, of course, a matter for the authorities in the Isle of Man to determine in the final analysis what is in the best interests of both the profession and the public within their own jurisdiction as regards entry to the Isle of Man Bar. I note, however, that the Report took the view that a law degree ought not to be a necessary requirement for a person wishing to qualify as a Manx advocate¹¹. I also bear in mind that one of my tasks is to *“address the issues of a route to the Manx Bar for those without a legal degree”¹².*

33. It follows that a point to be considered is whether the Regulations are sufficient to meet the needs and interests of the Isle of Man more generally, and the legal profession more particularly, in their current, recently-updated form, or whether provision ought to be made for individuals without a law degree to qualify as advocates.

34. The SQE was introduced in England and Wales on 1 September 2021. One of the concerns that led to its introduction was that there was a *“lack of a common basis for assessing the quality of output from these [institutions offering Qualifying Law Degrees, the GDL and the LPC], or at the end of the training contract”¹³*. Further, it was noted by the Solicitors’ Regulatory Authority (“SRA”) that:

⁹ Page 2

¹⁰ Page 2

¹¹ Para 46

¹² https://consult.gov.im/home-affairs/about-the-legal-services-review/supporting_documents/2021%2006%2015%20TOR%20Independent%20Review%20FINAL%20redacted%20costs.pdf

¹³ <https://www.sra.org.uk/globalassets/documents/sra/consultations/t4t-sqa-consultation.pdf?version=4a1ab4>

“While England and Wales are fortunate in having many excellent institutions offering law degrees and professional training, there is no standard basis on which to measure the quality of students who emerge from the education and training process. Some Legal Practice Course (LPC) providers have success rates in excess of 90%, while others are below 50%. Some undergraduate law schools require A and A A-level grades from entrants, others admit students with B, C and D grades. The Higher Education Funding Council for England (HEFCE), said this year, ‘the current quality assessment system does not provide direct assurance about the standard of awards made to students, or their broad comparability¹⁴.’ It is noteworthy that fewer than 1% of full time students on the Graduate Diploma in Law (GDL) fail and only 2% of those with training contracts are not admitted”¹⁵.*

35. The SQE was therefore designed to ensure that “everyone meets the same consistent, high standards at the point they become a solicitor”¹⁶. In brief, the SQE is “the single, national licensing examination that all aspiring solicitors will take before qualifying”¹⁷. In order to qualify as a solicitor in England and Wales, a person now needs to:

- have a degree in any subject (or equivalent qualification or work experience);
- pass both stages of the SQE assessment - SQE1 focuses on legal knowledge and SQE2 on practical legal skills;
- have two years' full-time (or equivalent) qualifying work experience; and
- pass the SRA’s character and suitability requirements.

36. The LPC route to qualification remains open until 31 December 2032 for any candidate who meets the transitional requirements, i.e. anyone who, before 1

¹⁴<http://www.hefce.ac.uk/reg/review/>

¹⁵ <https://www.sra.org.uk/globalassets/documents/sra/consultations/t4t-sqa-consultation.pdf?version=4a1ab4>

¹⁶ <https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/background-sqe/>

¹⁷ <https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/qualifying-solicitor/>

September 2021, had completed, started, accepted an offer of a place, or paid a non-refundable deposit for one of the following:

- the Common Professional Examination/Graduate Diploma in Law (CPE);
- the Legal Practice Course; or
- a period of recognised training (also known as a training contract)¹⁸.

37. In the case of a qualifying law degree and exempting law degree, these arrangements apply to anyone who completes, starts, accepts an offer of a place, or pays a non-refundable deposit by 21 September 2021 (inclusive)¹⁹.

38. From my consultations with practitioners in the Isle of Man, it is clear that many advocates, although not all, believe that a non-graduate entry route to the profession is not suitable for the Isle of Man's needs. Several advocates, for example, expressed concerns that the implementation of the SQE in England and Wales could result in entrants to the profession who did not have the requisite practical skills, compared to entrants that had passed the LPC²⁰.

39. One Advocate made the point that in a small jurisdiction such as the Isle of Man, the impact of an “*untested*” entry route, were this entry route to end up as unsuitable, would be “*significant*” although she qualified her view as follows:

“I suspect though, if it was seen to be working well in England, and it is probably mostly that it is sort of untested, we are a small jurisdiction so the impact of it if it does not work would be significant, whereas – I don’t know, I can’t speak for the Law Society – but I imagine if the new system was seen to be working well in England, allowing for more diverse candidates at entry level, the Law Society might then look at it again and say, ‘Well, we can see actually that the system does work’, if it does, and will consider it in the Isle of Man. But

¹⁸ <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/transitional-arrangements/>

¹⁹ <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/transitional-arrangements/>

²⁰ Transcript 1: 273-278

I imagine, I cannot speak for them and I have not been involved in any of these discussions, that part of the reluctance is about the fact that it has not really been tested at this point. And, as I say, the impact in this jurisdiction if it does not work would be significant.²¹

40. It was, though, also pointed out that the requirement for a degree is, in many ways, a relatively recent requirement for entry into the legal profession in the Isle of Man:

Mr Humphrey: "I think it used to be, certainly when I qualified, people like Geoff Karran, (A witness: [REDACTED].) [REDACTED], did not go to university, they did five-year training contracts"²².

41. One Advocate noted:

"I can reference that I am the last person who was qualified on the Island under the old system, where you took a five-year articles, and they changed the rules actually while I was in articles in about 1986 or 1987. I qualified in April 1988. I was the last person admitted under the old rules. So I did five years articles.

From a personal experience, doing a lot of court work when I first qualified, I found that was a very good way to train, because I spent five years, or a lot of that time in court with, not so much my principal, but with people from the firm and it was great experience in terms of learning the ropes for being a court advocate in particular".

42. Whilst I understand that some funding may be available for course fees and maintenance grants²³, permitting non-graduates to become advocates may ensure greater access to the profession, particularly for those from less prosperous socio-economic backgrounds for whom the cost of studying for a degree may be prohibitive. It may also increase access to the profession for individuals who cannot leave the Isle of Man to obtain a degree (for instance, because of caring responsibilities), or for those unable to study for a degree via distance learning.

²¹ Transcript 1: 548-556

²² Transcript 1: 558-560

²³ <https://www.gov.im/categories/education-training-and-careers/student-awards/payment-of-tuition-fees-grantloans-and-maintenance-grants/>

43. Witnesses recognised that a non-graduate entry route could lead to wider access to the profession and result in a more diverse pool of advocates:

“I think there are benefits to the five years being reinstated. You have heard Jeremy there, but it even goes wider than that. Being an island community, many of your kids do not come back because there are greater opportunities they see across. Some might come later in life, when their children are up and want to settle. But you have also got the diversity and the difficulties with people who might be carers. They might be very able and potential candidates. It is opening up the bar again. It just brings in a number of people and I would like to see us moving that way certainly here. I think Scotland is looking at it the same way as England, going back to a similar system of an apprenticeship”²⁴.

44. In particular, it was recognised that a non-graduate entry route could open up the profession to entrants from less traditional backgrounds for the legal profession, including those from less prosperous socio-economic backgrounds:

“Possibly one aspect is being an island population. For most people, getting a degree requires going to — usually England, perhaps Scotland or Ireland as well. So there is an additional cost for that in terms of supporting a student whilst they are away and then returning back to the Island²⁵”.

45. The First Deemster, in his evidence to the Committee, also recognised the potential of a non-graduate entry route to increase accessibility to the profession:

“I mean, the way they are moving in England is actually towards going back to the old apprenticeship model whereby you do not need to have a degree, I do not think. You go from A-levels, or whatever they are called nowadays, on to a five-year apprenticeship or a three-year apprenticeship I think, during which time you pass certain exams. And that is an admirable model because the cost of attending these courses ... The Bar course I think is something like £20,000 – very expensive courses – and the solicitors’ course is equally expensive. So I

²⁴ Transcript 2: 182-189

²⁵ Transcript 2: 167-168 and 171

*can see an argument that, from an accessibility point of view and a non-discriminatory point of view, it is a very good idea actually to go back to the whole system which we used to have here which was five years' articles, that was the primary way you dealt with things. There are advocates practising today who are very senior and very eminent advocates, who qualified as an advocate that way through the five-year period of articles"*²⁶.

46. One Advocate suggested that a GDL/LPC/law degree qualification serves as a common standard for firms to understand incoming trainees' levels of knowledge of basic legal concepts:

*"So on entry level there is a level of understanding as to what that person's skill set is, without the GDL or a law degree or the LPC, it would be very difficult as an employer to know what understanding they have of just basic legal concepts and it is whether or not a firm of our size or a smaller firm would have the resources to educate on those core foundation topics. I think that is why the current system works well with the training through the LPC or the BVC and then we build on top of that with the Manx Bar exams"*²⁷.

47. During the roundtable discussions in Tynwald in July 2022, I spoke to some current trainees. As individuals who had recent experience of the entry path to qualification, they held different views on the necessity of a degree. One trainee stated:

*"Yes, personally I think going to a college or university is very helpful because law is a very research-intensive subject, it involves a lot of reading and writing. Obviously, that is what you do at uni. When I reflect on when I was in sixth-form at school I was quite naive in terms of how I wrote essays and things I really was able to hone those skills when I did a Bachelors and a Masters and things, I think it has helped me"*²⁸.

48. Nevertheless, the need for greater access to the legal profession was also recognised:

²⁶ Oral Evidence to the Committee, the Report, p. 195, 713 - 723

²⁷ Transcript 1: 343-348

²⁸ Transcript 3: 103-107

“But I do agree that there needs to be more access to the profession. I think there should be at least some form of training whilst you are working at a law firm or some form of lectures or something if you are going to remove the requirement to go to university because I think you still need to maintain high standards”²⁹.

49. Discussing what would be lost by removing the requirement for a degree, several witnesses, as practitioners, understandably focused on the fear that entrants could start their training without the requisite practical skills.
50. There are though three points to bear in mind. First, most law degrees, unlike vocational courses such as the LPC or the BPTC/BVC/BTC, concentrate on the academic, not the practical, aspects of the law. It does not necessarily follow that by removing the need for a degree the entrant is denied the opportunity to learn about the practical work of a lawyer. Indeed, in some respects it might enhance the practical element of the training course, not least but because secondly, the development of the new training course for trainee advocates should build a trainee’s practical skills in a manner more appropriate to the fused profession on the Isle of Man than the LPC or the BPTC/BTC/BVC.
51. Thirdly, there is often no better way to learn the practical skills one needs as an advocate than by seeing other advocates in practice: in short, to learn by seeing, listening, and doing. That includes learning *soft* skills such as client-care and client-handling skills, as well as the *harder* courtroom skills and other administrative requirements of a member of a fused profession acquired through proximity to trainees’ supervising advocates throughout the working day.
52. It is additionally worth noting that whilst the SQE removes the need for an entrant to the solicitors’ profession to have a degree, it does require an entrant to have an *“equivalent qualification or work experience”* in place of a Level 6 degree/diploma³⁰. To have this *“equivalent qualification or work experience”*

²⁹ Transcript 3: 108-111

³⁰ <https://www.sra.org.uk/become-solicitor/sqe/qa/>

recognised as equivalent to a degree, an applicant must apply to the SRA. The SRA website notes that it will examine:

“whether you have had the opportunity to develop the type of skills that you would on an undergraduate degree. This includes skills such as working independently, managing your own workload, and problem solving. However, this is not an exhaustive list”³¹.

53. One way of obtaining this experience is through a solicitor apprenticeship, a 6 year ‘earn as you learn’ programme, with 80% on the job training and 20% study³².

54. On 9 February 2023, the SRA issued a press release announcing that “*apprentices are outperforming other candidates seeking to qualify as solicitors*”³³. Whilst caution was advised as sample sizes were limited (only about 100 apprentices sat the examination in 2021), the SRA noted that:

“Apprentice pass rates were on average 26% higher than the overall pass rate. Across SQE1 and SQE2 apprentices gained marks that were on average 8% higher than other candidate”³⁴.

55. As Paul Philip, SRA Chief Executive, said in that press release:

“Apprenticeships are a great way to encourage more talented people from all backgrounds to become solicitors. They are an attractive option for those who want a more affordable way into the profession, and who want to gain early experience of legal practice. It can also be a good option for employers looking to recruit and shape new talent.

The SQE provides assurance that all qualifying solicitors have been assessed to the same standard. It is early days for this pathway, but the initial signs are positive. The mix of learning and ‘on the job’ experience is helping apprentices gain the skills and knowledge they need to be a solicitor”³⁵.

³¹ <https://www.sra.org.uk/become-solicitor/sqe/degree-equivalent/equivalence-to-a-degree/>

³² <https://www.sra.org.uk/become-solicitor/sqe/solicitor-apprenticeships/>

³³ <https://www.sra.org.uk/sra/news/press/apprenticeships-week-2023/>

³⁴ <https://www.sra.org.uk/sra/news/press/apprenticeships-week-2023/>

³⁵ <https://www.sra.org.uk/sra/news/press/apprenticeships-week-2023/>

56. Ireland also permits non-graduates to become solicitors. A non-graduate entrant to the profession in Ireland can sit the ‘Preliminary Examination’, which is held once a year. This examination consists of three papers: English; Irish Government and Politics; and General Knowledge. The pass mark in each paper is 50% and all three papers must be passed at one sitting in order to pass the examination. Candidates are allowed a maximum of three attempts to pass the examination and they must be at least 21 years old.
57. Candidates that pass the Preliminary Examination are then on an equal footing with accountants certified by certain specified bodies, and candidates that have completed the first or any subsequent year of a course leading to a qualification at level 7 or higher on the Irish National Framework of Qualifications or a degree awarded by a university in England, Northern Ireland, Scotland or Wales.
58. These candidates are then eligible to move to the second (of four) stages of qualification in Ireland, the Final Examination - First Part (FE-1), which consists of eight papers on core legal subjects. Candidates who pass the FE-1s and have secured a two year in-office Training Contract are then eligible to undertake the Professional Practice Course (“PPC”). This is a two stage course. Candidates usually complete PPC I before starting their Training Contract. PPC II lasts 3 months and is most often completed 10 months before the end of the Training Contract. These 3 months count towards the two years of the Training Contract³⁶.
59. Would the implementation of the recommendation to permit a non-graduate to become an advocate strengthen the legal sector’s ability to provide legal services in a manner that benefits the Isle of Man of 2023 onwards?
60. I recognise and respect the concern, evident not just in small jurisdictions such as the Isle of Man, that the removal of the requirement to hold a degree could be seen as lowering professional standards. There are though workable ways of ensuring that non-graduates obtain or have obtained the necessary skills to become able and

³⁶ <https://www.lawsociety.ie/globalassets/documents/education/hbs/becoming-a-solicitor-brochure.pdf>

competent advocates without their having a degree and without diminishing the high professional standards that the public, be they users of the legal services sector or not, rightly expect of practising lawyers in their community.

61. I accept that the legal profession in England and Wales and the profession practising in the Isle of Man are different. England and Wales do not have a fused profession and despite the changes in higher rights of audience for solicitors, advocacy is largely the reserve of barristers. The Bar in England and Wales, as well as solicitors' practices (particularly, but not exclusively, in London), have also become increasingly specialised. There is also a growing divide between the resources and income available to the privately funded commercial and wider civil law profession on the one hand and the largely publicly funded criminal and family law profession on the other. Of course, compared to the legal profession in the Isle of Man, its English and Welsh counterpart is not only far bigger, and far better resourced by virtue of its size, but it is also more diverse in terms of the types of practice and people engaged in practice.

62. The First Deemster accepted in his evidence to the Committee that, in the Isle of Man, there is a small if diminishing number of people in practice (as there is in England and Wales) who qualified some decades ago before the requirement for a degree was introduced; and now there is a small cohort of recently qualified non-graduate solicitors in England and Wales. Nevertheless, most lawyers in England and Wales are graduates. Even now, a significant proportion of them, and especially in the privately funded Bar and magic circle solicitors' firms, will have been privately educated and are graduates from Oxbridge or Russell Group universities. It is true, however, that there are now far more women coming into the legal profession than when I started practice in the 1970s.

63. The requirement for a degree, be it in law or any other subject, was, I accept, brought in to encourage the highest academic standards amongst entrants to and practitioners in the legal profession, but it was also brought in to act as a sieve to

reduce the number of people coming into an overcrowded profession. So too was the later requirement that only those with at least a 2:1 honours degree could apply for Bar school.

64. In the period (roughly) 1960-2000, both parts of the legal profession in England and Wales grew almost exponentially with the expansion of state funding of legal aid and the increase of statutory rights to compensation or other types of redress in areas of life not previously accessible to litigation. It is as true today as it was in that period of immense growth that there are far more students at law schools than will ever find a place to practise, but they will now leave law school saddled with debt from university added to by a further period of study at law school.
65. The requirement for a degree has not reduced the number of entrants, nor has it markedly had any bearing on the diversity of entrants' socio-economic backgrounds. The legal profession is, by tradition and habit and by necessity, a learned profession that expects its members to be competent and bright but, in a large profession such as that in England and Wales, it can encompass a wide variety of professional and emotional skill sets suited to different types of practice.
66. If the English and Welsh system has drawbacks that detract from its otherwise high reputation for professional excellence and an almost total absence of corruption, they can be found in its unwitting (but by no means universal) complacency and sense of self-regard which fail or at least sometimes look as though they fail sufficiently to recognise or to take account of the public's and politicians' attitude towards them. It has occasionally been viewed from the outside as inward-looking and lacking in self-awareness. The legal profession in England and Wales has, it must be admitted, begun actively over the last two decades and more to accept its obligations to others beyond itself and its client base; possibly the introduction of the SQE, along with the funding by the profession of scholarships, pupillages, and trainee contract salaries to enable young entrants to afford to live in large commercial cities, are examples of that. All that said, of course, the legal profession is primarily that and not just a vehicle or catalyst for social change to be deployed by politicians without cost or consequence.

67. The public's and the profession's expectations in the Isle of Man are surely no different even though there are far fewer people in the profession. The Isle of Man, like any jurisdiction, will have a diverse range of experiences in its population and certainly, as in the United Kingdom and Ireland, it will be bright students who want to go to university anyway that are likely to be attracted to the law, medicine, or the other professions. Unlike many students in the United Kingdom and Ireland, however, Manx students interested in legal practice must leave home and go off-Island to gain the requisite degree or other permissible pre-qualification for entry to the Manx Bar. Some never return to work in the Isle of Man. This not only leads to a potential loss of entrants to the legal profession in the Isle of Man, but also a loss of people from the Island as a whole.
68. It is, of course, worth recognising that the need at present for those hoping to join the Manx legal profession to go off-Island to achieve the necessary qualification to enable them to sit the examinations may bring with it the advantage (for some of them at least) of working as short term interns, or potentially even as pupils to barristers or trainees at law firms with larger volumes of casework than are available in the Isle of Man, before they return to qualify as Manx advocates.
69. Allowing for a non-graduate, but suitably educated and trained entry to the Isle of Man legal profession, might permit a wider cohort of students both to aspire to the Manx Bar and to remain on Island to contribute to its economy and the profession. In so far as is possible, the more that the Bar reflects the range and diversity of the society which it serves, the more likely it is that the legal sector will provide services of a type and in a manner needed in the medium to longer term future without any loss of quality. A legal profession that looks and sounds more like the population it serves is more likely to attract good aspirant advocates from the Isle of Man, uninhibited by the cost of a degree or the impracticality and expense of leaving the Isle of Man.

70. In a small jurisdiction with an aging population, it is perhaps even more important that domestic talent is nurtured, and that the legal profession should not appear to be an exclusive club open only to the well off or privileged. Furthermore, although once this Review was announced (and although it was from the outset made clear that I could not consider individual cases), I unsurprisingly began to receive correspondence from dissatisfied clients of the legal profession complaining about how the lawyer or the judge in their particular case failed to understand or deal with it properly, my impression from my two visits in 2022 and other reading is that public and political trust in the Isle of Man's legal sector is generally good.
71. That said, the fact that the Committee initiated its inquiry and reported as it did means that there is no room for complacency. To carry on regardless maintaining the status quo is not an option. It was noticeable that one or two, and I stress by no means all, of the more established Manx practitioners with whom I discussed the question of entry to the profession may have left me with the erroneous impression that as they had managed to navigate the system satisfactorily there was no reason to change it now. Since the politicians have expressed their view through the Report and then in the Government's Response to that Report it would, I suggest, be better for the profession to anticipate the imposition by Tynwald of less welcome changes by coming forward with its own. If I may say so, Kathryn Clough, the President of the IOMLS, and her colleagues have already and willingly begun on that work and in doing so have made my task immeasurably easier.
72. To conclude this section, **so long as a robust system of legal education and training is in place, I recommend that a degree ought not to be a necessary requirement for becoming an advocate in the Isle of Man.** That said, I suspect that even if it were not a requirement, because of the nature of the profession and the work that the legal profession does, the great majority of entrants from the Isle of Man and elsewhere to the legal profession in the Isle of Man will continue anyway to be bright graduates from good universities in the United Kingdom and Ireland (or further afield) and some will, as they do now, continue to undertake post-graduate and professional studies off-Island before returning or coming to the Isle of Man to take up practice.

73. Rather than suggesting however that the authorities in the Isle of Man with responsibility for designing changes to the entry requirements to the profession and for amending the Advocates Admissions Regulations 2022 amend them *immediately* to allow for non-graduate entry, **I recommend that the Deemsters and the IOMLS, as well as the Committee, individual practitioners, and Isle of Man law firms, closely monitor the progress of the new SQE and apprenticeship systems in England and Wales with a view to reconsidering in two years' time the requirements as set out in Paragraph 5 of the 2022 Regulations.**

Examination Process and Syllabus

74. In addition to altering the entry route to the profession, the Regulations also changed the format and content of the Manx Bar Examinations.

75. Previously, the Advocates Admission Regulations 1987 (as amended), set out the five areas to be covered by the Bar Examinations:

- Civil practice;
- Criminal practice;
- Constitutional and Land Law;
- Company Law, Financial Services Law and Taxation; and
- Accounts.

76. The Regulations now provide that in order to qualify to be licensed or commissioned as an advocate, a person must pass the advocates examination. It comprises 5 heads:

- (a) head 1 – civil law and practice;
- (b) head 2 – criminal law and practice;
- (c) head 3 – public law and practice and property law and practice;
- (d) head 4 - business and finance law and practice; and

- (e) head 5 – accounts and ethics³⁷.

77. The Regulations state that, the “*Examiners must annually review the syllabus for the advocates examination with the Scrutineers to ensure the syllabus remains current*”³⁸.

78. Paragraph 10 (2) of the Regulations provides that:

“The advocates examination must be by written papers and such viva voce questions (if any) as the Examiners may consider desirable”.

79. In their written submissions to this Review, the IOMLS noted:

“The purposes of these changes (which were no more than possible reforms at the time the Society gave evidence to the CLAJ Committee) is to ensure that candidates sitting the Manx Bar examinations are not disadvantaged or lacking skills that would have otherwise been obtained by passing either the LPC or the BPTC. The new Manx Bar examinations will incorporate all of the skill set elements of the LPC and the BPTC, which will be tested as part of the Manx Bar examinations going forward.

...

The new Manx Bar examinations will modernise how candidates are examined, in a more realistic manner, ensuring that those who pass are competent to practice law. The current Manx Bar examinations reward those candidates who largely can demonstrate a good memory of Manx legal issues and the Society has recognised that they do not robustly test all aspects of competency which are required as a practising Manx Advocate.

³⁷ Para 9 (1) & (2)

³⁸ Para 8 (3)

Under the new examination regime, there will be five heads, with each of the civil and criminal litigation heads being tested over a series of coursework examinations, ending with an advocacy assessment”³⁹.

80. In commenting upon the previous regime, the Report noted that, given the fused nature of the Manx legal profession, it is “*surprising that advocacy skills are not formally assessed*”⁴⁰, a view also arrived at by the Clothier Report⁴¹. But for the changes to the Regulations implemented between the publication of the Report and this Review, I would have criticised the absence of any formal assessment of oral and written advocacy skills, so it is encouraging to note that the IOMLS has grasped the point and dealt with it. It will be for others after the publication of this Review to assess whether the new system of assessment is what is needed, but **I recommend that the matter is kept under review and considered again in two years’ time so that its success or otherwise can be measured.**

81. In this area of practice, as in some others dealt with by the Review, the improvement and maintenance of standards that can match and exceed international comparisons are vital and allow no room for complacency. During the evidence-gathering phase of this Review, although it was recognised that some advocates were very capable court advocates, serious concerns were expressed to me privately about the general quality of advocates’ courtroom advocacy skills. It is not good enough, for example, simply to rely on written submissions drafted off-Island without being able to engage intelligently with the court on the submissions or to discuss their contents with the court. Advocates should not only be familiar with the legal and factual issues in the case but also with the relevant law and rules of evidence. Failure to comply with the rules of evidence in criminal cases through ignorance or carelessness can lead to prosecutions having to be abandoned or to retrials which only add to the distress of victims, witnesses and defendants, as well as causing additional expense and delay within the justice system.

³⁹ P3

⁴⁰ Para 31

⁴¹ Para 2.5

82. Further, I note that the First Deemster, in his evidence to the Committee, whilst of the view that the quality of oral advocacy skills was not an issue, expressed the view that advocates' written advocacy skills could be improved:

“Well, so far as oral advocacy is concerned actually I do not have any particular concern about that myself – generally speaking the standard of oral advocacy that I see, on the whole, is good. Sometimes people prolong the cross-examinations more than they should, but there we are, that has been a perennial problem. But there is no major issue.

Speaking for myself, my main issue is actually on written advocacy, which has become so prolix and so unnecessarily verbose as to weigh down the judges with an enormous amount of paperwork before you can even consider what the main issues in the case are. I think there is a real problem with a lack of concision”⁴².

83. Advocacy is a skill that requires frequent practice if its quality is to be improved or maintained. It also has to be tempered to suit the audience. To some it is a more natural skill than for others, but even the most gifted or experienced lawyers need to hone their written and oral advocacy skills with frequent practice. Appellate advocacy before a court that is usually concerned with legal argument rather than finding facts is different in style and content to advocacy before a first instance tribunal, be it a judge alone or a judge and jury. Wherever an advocate appears, good advocacy in court and well-tuned written submissions before or during a trial are of great assistance to the court, enabling it to focus efficiently and effectively on the issues to be resolved and to meet the interests of justice. Bad advocacy, quite apart from damaging the professional reputation of the advocate in question and lawyers in general, is distracting and causes delay and expense to the parties and to the courts.

84. It follows that not only should advocacy be taught and assessed by those with the requisite skills and experience, but also that trainee advocates should be exposed to

⁴² Oral Evidence to the Committee, the Report, p. 193, 603 – 610

high quality written and oral advocacy throughout their legal training. Nor should they think that having been called to the Bar, all learning stops. How to get a difficult point across to a court; how to re-examine witnesses without simply taking them through their already-given evidence a second time; how to prepare and conduct a cross-examination that helps one's client rather than one's opponent as well as enabling the tribunal to find the just resolution; how to respond politely but firmly, with confidence but without impertinence, to a judge who needs more time to understand the submission; how to speak for one's client without being the client; how to conduct oneself within the rules and etiquette of the profession; how not to cut corners or gain a reputation for being "*fly*" or untrustworthy or lose the respect of one's fellow professionals; how to accept defeat with grace and success without triumphalism are all things that can be taught but they are all things that need constantly to be updated and rehearsed.

85. Clearly, not everyone will want to be a courtroom lawyer, preferring to deal with non-contentious work in the office, but the same skills required to advance a case in court on paper and orally, will inform the work of the conveyancer or the drafter of a contract. The writer's ability to concentrate, and to advance or resist proposals in the well-constructed sentences and clauses of a letter or legal instrument will be informed by personal experience in court and/or by watching and listening to others.
86. It is therefore essential for trainees to be exposed to all types of advocacy and plenty of it. Why the most successful advocates are so successful is a question that can only be answered and their skills replicated by watching, listening and learning from them as they work in as many different settings as possible. The quantity of cases prepared for and then experienced will have a beneficial effect on the trainee.
87. It is not always possible in a small jurisdiction or in a small firm to be able to experience a high volume of diverse work, but it is vital that the IOMLS encourages the widest possible access of trainees to advocacy and experienced mentors or trainers. I urge the profession to harness the spare time of any visiting lawyer working under a Temporary Advocate's Licence or as a Panel Deemster to provide additional sources of experience that can be handed onto the new generation of Manx advocates. I also would encourage firms in the Isle of Man to foster good

links with off-Island sets of Chambers in England and Wales, or barristers and advocates practising in Scotland, Northern Ireland and Ireland so that Isle of Man trainees can, if only for short periods and, if possible, with financial support from the profession or the trainee's firm, spend time with practitioners who are in court several times a week.

88. My impression is that there is currently a lack of structured training available in the Isle of Man and whilst some have the benefit of watching and learning from busy Manx advocates, there are others whose exposure to the best is somewhat haphazard. This may to some extent be remedied by the new arrangements with the Institute of Law Jersey but **I urge the Deemsters and the IOMLS to ensure that barristers/advocates appearing on TALs are where possible invited to take part in training sessions for trainee advocates or new practitioners so that good use can be made of their time whilst in the Isle of Man.** I suspect that, schedules permitting, there will be a willingness amongst visiting lawyers to help the Isle of Man with its legal training.

89. It was suggested to me that there is an absence of robust and standardised assessment and that there needs to be a Director of Legal Studies in the Isle of Man, perhaps an office holder within the IOMLS, who can monitor and guide trainee advocates as they progress through their studies towards their Bar examinations and beyond. That is a welcome suggestion and if the resources can be found to employ such a person on-Island, so much the better. If not, the IOMLS must try to construct a somewhat more organised system, if necessary in conjunction with the Institute of Law Jersey, which will promote consistency of approach and a set of core standards. Indeed, the Director of Legal Studies could also usefully be responsible for designing and policing the CPD system and developing the syllabus for the Bar examinations.

90. I note in parenthesis that so far as I could tell, there is no Judicial College or equivalent and, whilst the size of the permanent judiciary is too small to justify a bespoke Isle of Man judges' training or continuous training unit, **it would be a good idea, assuming they do not already, if the permanent Isle of Man judiciary were able to attend the training and other judicial studies available to both**

full-time and part-time judges in England and Wales. Judge craft, like advocacy, needs to be learnt and regularly refreshed.

91. In summary, whilst I endorse the Report's conclusion that it was surprising that advocacy skills were not previously assessed, I am heartened that the new system will include two advocacy assessments and that the IOMLS and the Deemsters have recognised the need to fill this gap and have implemented the new Regulations. Those two assessments should not, however, be the end of the matter either for the individual law student or for the profession. CPD and constant exposure to others' expertise should be the standard post-qualification.

92. The Report further concluded that:

“More generally, it was felt that the Manx Bar exams should focus on the law of the Isle of Man, and particularly the differences between it and that of England & Wales, where the majority of trainee advocates will have already undertaken academic studies and vocational training. Mrs O'Rourke further suggested that the list of topics covered could be tailored to the needs of the Isle of Man's economy; for instance, regulation and compliance could be useful topics⁴³.

93. Whilst discussing the current examination system with current trainee Advocates, I was particularly struck by the lack of a published, detailed syllabus and the difficulties this clearly causes trainees. In response to a question about how difficult the Manx Bar exams were, this was identified as a particular issue:

“I think, with the lack of a syllabus as well and with it being, especially the last two exams, I feel that that is very based on current affairs and what is going on at the time, so I think that does make it quite difficult as well. Seeing as there is no syllabus it is sort of a shot in the dark of what could come up, and I feel, yes, with no set notes or anything like that you are very reliant on other people and just the lectures that you are given. But I feel that it could benefit from having some sort of maybe textbook. I appreciate that it probably may not be cost

⁴³ Para 32

efficient with how many people do the exams each time, there is not that many, but, yes, I think that something could be done to make it a little bit easier”⁴⁴.

94. I was told that, given the lack of a published, detailed syllabus, there is an informal system of former trainees passing on notes to current trainees. One trainee Advocate described the exams and the process:

“They are very hard, without question. They are a pretty intense set of exams. I am quite a good exam sitter and yes, they were very hard, very challenging. You feel a bit like you are flailing around in the dark. You are basing on some notes that have been handed down and handed down, and you update them.

...

*So you get the past papers, download them from the Law Society. You try and find a set of notes from somebody and then you just start working through, learning through, making new notes”.*⁴⁵

95. Another trainee Advocate described it as follows:

*“It is very individual it is all sort of self-studying and, like the others said, it is really kind of whose notes you can get, which is a bit unusual because I think it should really be a set syllabus. Personally, I have always liked having a syllabus, having bullet points of everything I need to learn, you can tick off. Whereas here you do not really know what limit you should reach in terms of revising”.*⁴⁶

96. It was noted that this relatively informal approach to the examination process could dissuade people from sitting the Bar examinations:

⁴⁴ Transcript 3: 601 - 608

⁴⁵ Transcript 3: 595 - 598 and 645-647

⁴⁶ Transcript 3: 725 - 729

“We had a couple of people who dropped out literally the week before the exam and they had spent eight weeks on study leave and they dropped out because they could not deal with the pressure.

...

I think it is really hard. My colleague is a mother with two young children and she was working for a firm where she had targets to hit, hourly recording targets, at the same time as trying to pass the Manx Bar – which she did – but there was an awful lot of pressure, and she said at the time, ‘If I don’t pass I am going back to the UK, I am not putting my family through this again.’ And this was in lockdown as well, so there were a lot of circumstances”.⁴⁷

97. A perceived lack of transparency in the grading process was also discussed. When asked if the papers were graded on a curve, one trainee Advocate replied:

“No one knows! They look at your paper as a whole and decide if it is strong enough, is what I have been told”.⁴⁸

98. Another trainee stated:

“But there will not be a structure of a mark, this is what I have heard –

██████████: This is what I have heard as well.

██████████: – they will not give the structure of a mark, it is just you are not quite strong enough to be a Manx advocate and so they will give 49%”.⁴⁹

99. Another trainee noted their belief that the marking system took a “holistic view”:

“It is more of a feeling, that is what I have heard. It is a sort of holistic view as opposed to individual questions, which is very different, I am sure, to what we

⁴⁷ Transcript 3: 743-745 and 843-847

⁴⁸ Transcript 3: 918 - 919

⁴⁹ Transcript 3: 924 - 929

have all experienced at university where it was you got four points in that, five points in that”⁵⁰.

100. I was, to be blunt, shocked to discover from the discussions held on 28 July 2022 in Tynwald with three trainee Advocates, [REDACTED], [REDACTED], and [REDACTED], not only that there was no published, detailed syllabus and that people preparing for the Bar examinations had no real idea of what was to be asked of them, but also that the examinees had to hunt about for the notes made by earlier generations of examinees, in order to have some idea of what might be in the examinations and what was expected of them.

101. I appreciate that the Isle of Man legal profession has over the years produced some outstanding lawyers who stand comparison with those working in far larger jurisdictions, but the informal and somewhat haphazard approach to the examination system that was described to me cannot be allowed to continue if the Isle of Man Bar and the legal profession in the Isle of Man are not to be restricted only to those with the connections to work their way through a maze to arrive at qualification.

102. **Entrance to and participation in the Isle of Man’s legal profession should not be seen as equivalent to membership of a small exclusive club open only to those with the finances and professional connections to allow them to navigate the examination system. Again, it is to be hoped that the new arrangements with the Institute of Law Jersey will cure this problem.** That Paragraph 8 (3) of the Regulations now requires Council to annually review the syllabus to ensure it remains current can only be a positive step forward.

103. The trainee Advocates I spoke to were supportive of a more practical, less memory-based examination process. For example:

“It is just quite frustrating. For me especially having gone through six years of law at uni, I have probably done hundreds of exams. I did the LPC and now I am sort of having to unlearn some of the stuff from the LPC because of the

⁵⁰ Transcript 3: 931 – 933

discrepancies and then do more exams. I think that would probably put a lot of people off, especially if you are not really a good exam person. Because not everyone is good at exams and being good at exams does not mean you will be a good lawyer, really. It is academic, it is memory.

I think applying a more practical approach would be good; instead of sitting down and writing papers, maybe more practical things, practical assessments”⁵¹.

104. I note the submissions from the IOMLS on the new examination system:

“Under the new examination regime, there will be five heads, with each of the civil and criminal litigation heads being tested over a series of coursework assignments, ending with an advocacy examination. These two heads will incorporate the practical skill sets from the LPC and BPTC within the examination process to ensure that research, drafting, client care, advocacy etc. are all taught and examined. This method of examination is now common in Western legal education and reflects how law degrees and the LPC has been examined for some time. Any resits required will be undertaken in this half of the course, a few weeks following the results of any part of the examination.

The two litigation heads will be covered in part one of the course and once completed, part two will, in a more traditional approach to examination, cover the final three heads: (i) Constitutional Law and Property, (ii) Commercial Law and Financial Regulation and (iii) Accounts and Ethics (the inclusion of an examination on ethics being a new development). The part two examinations will be open book in the sense that legislation and case law will be available to the candidates throughout the examination but prepared answers etc. will not be available. Again, resits of any part two examinations will be taken six weeks following the results being published. Only candidates who have taken and failed an examination may enter the resit. A candidate may not postpone their sitting and wait for the resit to gain extra time”⁵².

⁵¹ Transcript 3: 763 – 770

⁵² P3-4

105. As with advocacy examinations under the new arrangements, I note that the IOMLS and the Deemsters have taken the initiative to improve the previous system and ensure that practical skills such as research, drafting and client care will now all be taught and examined in future. It was also welcome to see the changes in the system with regards to the updating of the syllabus and with regard to advocacy training and examination, as discussed above.
106. These improvements can only be further enhanced by the links that are to be made to the Institute of Law Jersey which will play an important role in in the future training and education of law students from the Isle of Man intending to enter the Manx legal profession and practise on-Island.
107. I understand that there have been discussions between the IOMLS and the Institute of Law Jersey which will lead to there being a close connection between the two Islands as far as teaching and training for the Isle of Man Bar examinations are concerned. I am told that there is now a contract in place for delivery of a revised training package for articled advocates, but that this is unlikely to be in operation until October 2023.
108. This has led to a gap for advocates hoping to train in the Isle of Man this year who have found themselves in limbo between the end of the GDL transitional arrangements and the introduction of the SQE. The IOMLS is putting arrangements in place to deal with this lacuna. It is to be hoped, however, that as soon as the contract is operating – and indeed, some time in advance of the start of the academic year - the syllabus, the detail, if any, of the examinations or areas upon which questions within the 5 new heads will concentrate, and how the Institute in Jersey will interact with the Isle of Man’s system will be made public and, in consequence, trainees will no longer have to search for the famous, if illusive, handwritten notes we were told about by the trainee Advocates in the Tynwald roundtable.

109. **I also agree with the Committee's conclusion that the examinations ought to focus on the law of the Isle of Man.** The examinees are, after all, intending to practise on-Island either as lawyers advising and representing Isle of Man residents in matters governed by Manx law or as lawyers advising and representing off-Island clients whilst practising within the jurisdiction of the Isle of Man. Clearly, there are and will be lawyers practising in Douglas whose practices largely, and perhaps exclusively, involve only offshore clients, laws and procedures, but examinees are seeking admission to the Isle of Man Bar. It must be Manx law that is at the forefront of the examinations.

110. I understand the suggestion that the examinations could focus on the difference between Isle of Man law and English and Welsh law, and although that might be a necessary if incidental aspect of the course, because it is with the law of that particular jurisdiction that Isle of Man advocates will most obviously have to interact, I would caution against the syllabus being heavily reliant on an examination candidate's prior knowledge of English and Welsh law, given that qualifications from Scotland, Northern Ireland and Ireland are also valid entry paths to the profession on the Isle of Man and there will be some, if not as many, cases that will have some connection with those jurisdictions too. Ultimately, this should be determined by an assessment of the proportionate use of the available resources and the needs of the profession.

111. This is of course a detail more suited to those charged with designing the syllabus and overseeing the examination system but, as a matter of overall policy, **I suggest that the syllabus needs to focus predominantly on Manx law and practice, whilst recognising that in any given case or legal problem to be solved, there will or may be similar or identical laws and practices in England and Wales, Scotland, Northern Ireland or Ireland that will need to be considered.**

112. It is essential for those intending to practise in the Isle of Man to have some familiarity both with the laws of the immediately neighbouring jurisdictions but, perhaps more importantly, to have a good idea how to research them and then apply them to any given problem. I am not suggesting that candidates for the Bar will

have the experience and judgment of a practitioner of many years' standing but it would be as well for them to be required to have at this early stage of their career an understanding of the interrelationship between Manx law and the law of its neighbours.

113. **I recommend that the syllabus for the Bar examinations goes into far more detail than it currently does.** I understand that the IOMLS publishes a trainee handbook whose 2020 edition contains a copy of the 5 page syllabus from the 1987 Regulations⁵³. This handbook, however, was not mentioned by the trainees I met, who appeared to be proceeding on the basis that, in all practical reality, no syllabus existed. Whether this is due to a lack of knowledge of the existence of the trainee handbook/syllabus, or because it is felt to be inadequate, it is nevertheless clear that improvement is needed.

114. The '*Civil Litigation: Bar Training syllabus and curriculum 2022-2023*' produced by the English and Welsh Bar Standards Board (the "BSB") consists of some 34 pages and goes into a granular level of detail on what is expected of a candidate sitting the Civil Litigation Examination.

115. For example, section 16 of the syllabus relating to 'Interim Payments and Security for Costs', provides:

"Interim Payments and Security for Costs

- 1. interim payments*
- 2. security for costs*

Examinable Material

⁵³ <https://iomlawsociety.co.im/wp-content/uploads/2016/09/Trainee-Handbook-January-2020.pdf>

1. *Examinable material on interim payments will consist of the procedure for applying for interim payments; conditions to be satisfied and matters to be taken into account; powers of the court where it has made an order for interim payment; restriction on disclosure of interim payments; and evidence on interim payment applications. The relevant material is addressed in CPR 25.6-9; and PD 25B paragraph 2.*

2. *Examinable material on security for costs will consist of applying for security for costs, and the conditions to be satisfied on an application for security for costs. It will include the discretionary power to order security for costs; condition (c): insolvent or impecunious company; and condition (g): taking steps as to assets which hinder enforcement. The relevant material is addressed in CPR 25.12 and 25.13; and in the commentary at paragraphs 25.13.1, 25.13.1.1, 25.13.1.2, 25.13.12-, and 25.13.16 of Volume 1 of ‘Civil Procedure’ (the White Book) 2022”⁵⁴.*

116. In comparison, the Manx syllabus in relation to Interim Payments states:

“Head 1 – Civil Practice

...

4. The procedure and rules of the High Court relating to –

...

(e) payment into and out of court, rules applicable”.

117. The Honorable Society of King’s Inns in Ireland is responsible for training and admitting legal professionals who wish to be awarded the degree of Barrister-at-Law necessary to be called to the Bar by the Chief Justice of Ireland. In order to

⁵⁴ <https://www.barstandardsboard.org.uk/uploads/assets/98599e93-f8fc-4cfc-927ce9f285f244b7/BT-Civil-Litigation-Updated-Syllabus-2022-2023-4-July-2022.pdf>

progress to this degree (a one year full time professional vocational course, or a two year part time course), eligible entrants must sit entrance examinations. The syllabuses for these exams can be found online.

118. The syllabus for the evidence exam in Ireland, for example, deals with hearsay as follows:-

“The Rule Against Hearsay in Criminal and Civil Cases

The rule against hearsay and the following exceptions thereto:

- *Statements forming part of the “res gestae”*
- *Dying declarations of the deceased on charges of homicide*
- *Declarations against proprietary interest*
- *Declarations by deceased persons in the course of duty*
- *Declarations as to pedigree*
- *Declarations as to public rights*
- *Post-testamentary declarations by testators as to contents of their wills*
- *Other declarations by deceased persons*
- *Public documents*
- *Statutory exceptions contained in the Criminal Evidence Act 1992 and in Chapter 3 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020.⁵⁵”*

119. In comparison, in the current Isle Of Man syllabus, the section on hearsay says no more than this:

“Hearsay, exceptions, Civil Evidence Acts, Rules of the High Court”⁵⁶.

120. I appreciate that since their jurisdictions have larger populations and more entrants to their respective legal professions annually, the BSB and the Honorable

⁵⁵ Page 4, April 2022 Syllabus https://www.kingsinns.ie/cmsfiles/entrance-examination/SYLLABI/2022_EE_LawOfEvidence_Syllabus.pdf

⁵⁶ Page 35

Society of King's Inns in Ireland will have more resources than the IOMLS. I note, however, the Committee's conclusion that "*the system needs to be better resourced: but a lack of resources should not be used to justify the current model for requalification.*"⁵⁷

121. Although the Committee was there specifically referring to requalification, and accepting that finances are not unlimited, a lack of resources should not be used to justify the current model for qualification either.
122. The preparation of a detailed syllabus is inevitably an exercise that requires resources, but that will be money well spent, and worth spending at regular intervals, to ensure that the syllabus is both suitably worded at the outset and then regularly updated.
123. A detailed syllabus is, furthermore, essential for fairness and transparency in the examination process. A system in which candidates are reliant on securing notes from professional or personal connections is unlikely to be accessible to candidates who do not have those connections. Perhaps more importantly, it is unlikely to be seen as accessible, regardless of the generosity of former candidates in sharing their notes.
124. Whilst I appreciate that candidates often sit the Manx Bar after a year of articles, by which time they may have had the opportunity to get to know a number of qualified practitioners who could supply them with notes, that does not create a system which meets the standards of accessibility and transparency that the public and the wider international community are entitled to expect from the Manx Bar. The Bar examinations ought not to be seen as mysterious and impenetrable, or governed by a system that only those with privilege and connections can navigate.
125. Further, a detailed syllabus will give law firms and the public confidence that all those that have passed the Bar examinations have a thorough grounding in the areas of Manx law that form part of the syllabus. Whilst it may seem attractive to

⁵⁷ Para 38

have a syllabus that requires a candidate to be familiar with all areas of the law in any particular jurisdiction, in reality that is unachievable and in many respects counterproductive. Candidates need to demonstrate not just a level of academic and intellectual ability, but also the practical curiosity and powers of analysis that allow the examiners to recognise potential, and skills that can only improve with experience. If the best is sometimes the enemy of the good, it certainly is in an overloaded or ‘perfect’ syllabus.

126. Beyond that, there is at least the possibility that such a ‘catch-all’ approach by the examining body could lead candidates into trying to predict the likely examination questions, and if they made the wrong guess, leaving out important parts of the course. Two trainees described their approach to the syllabus as follows:

“Yes, well, you have four exams and you have the notes and basically you try and cover everything in Manx law, bottom line. Certain things come up, so you go through all the past papers. I think I went through 10 or 15 years of past papers, all of them. And you try and question spot a bit, don’t you?”

“Question spot, yes. Which is not advised but I think is one of the only ways to sort of ... because you cannot learn everything, of course, so it is one of the only ways you can refine it down, and cross your fingers!”⁵⁸

127. The trainee Advocates I spoke with were all highly accomplished individuals, with qualifications from eminent international institutions. Nevertheless, they described the Bar examinations as a remarkably stressful experience, not least because of the perceived lack of a syllabus, even if they accepted that the examinations needed to be rigorous.

128. As one trainee Advocate put it:

“The exams are so difficult and that they probably could do with reform. But in a way I think it is good because there is so much riding on the

⁵⁸ Transcript 3: 622-629

career. Sometimes you have got somebody's life in your hands, the decision of where that is going to go, and I think you have to be well informed and you have to know the Manx law to the standard that you do for the exams. I do think that it does require a high requirement of knowledge and passing those exams is, I would have thought, integral. As hard as they are, I think that it is a good thing”⁵⁹.

129. There is a difference between an examination which is challenging because it demands a high standard in terms of candidates' knowledge of the law, their analytical ability and their practical skills, and one which is challenging because it is unclear what is going to be asked, how it will be graded and how one is to access the relevant study materials. An advocate's professional life can be stressful but he or she will or ought to have more control over its pace and direction once into practice. To have to approach the requisite examinations through a miasma of uncertainties is not recommended; it does not help candidates to perform at their best and it does not show the examination system in its best light.

130. **I recommend that a detailed syllabus is published every year, similar to that in England and Wales and Ireland.** Now that the Institute of Law Jersey is to operate the Bar course the task of writing and updating the syllabus every year should be well within the capacity of the IOMLS (if possible, assisted by a Director of Studies) and others whose job it is to supervise entry to the Isle of Man's legal profession.

131. **I also recommend that the system of marking and grading the Bar examinations should be more transparent so that candidates for the Bar can know what is expected of them.** Nothing is to be gained by preserving a sense of mystery.

132. I note that the Report concluded that it was “*concerned about the lack of resources available for trainees*”⁶⁰.

⁵⁹ Transcript 3: 974 – 979

⁶⁰ Para 46

133. A fundamental question must be how does a Manx practitioner find out what the law of the Isle of Man is on, for example, hearsay?

134. In his evidence to the Committee, Mr Clucas of the IOMLS stated:

“One of the issues that we just have to live with in qualifying as a Manx advocate is we just do not have the compendious versions of textbooks and reference materials that one would have ... and certainly coming from England and Wales it was taken as given that you would expect a mature jurisdiction would have. That is a differentiating factor which you cannot get away from. So, even in a sense if I take the example of the most learned and competent English solicitor coming to the Isle of Man, I would have no doubt as a matter of starting point to say that person would easily requalify as an Isle of Man lawyer, but for them to say, ‘Oh, yes, that’s all right, I only need these three textbooks, that’s all I ever look at – that’s all I’ve ever looked at for 30 years,’ I would say, ‘You won’t find any of them dealing with Manx law... the way the exams are tailored, for instance, at the moment – and we are where we are because of where we have come from – you have to immerse yourself into Manx law to a degree to be able to pass those exams and to show you have got a competency in Manx law to know where the sources of Manx law are, because you will not find them just on a nice little shelf, all in one line, saying everything you need to know about Manx law is on that shelf. Learning how to find the law is a skill in the Isle of Man which is a little bit more difficult than, I suggest, in some other jurisdictions⁶¹”.

135. In the roundtable sessions, some advocates highlighted the unreliability of secondary legislative sources. For example, one Advocate stated:

⁶¹ Oral Evidence to the Committee, the Report, p. 155, 808 – 816 and 820 - 826

“I think the Government itself would recognise that its organisation of the secondary legislation is woeful. There are lots of bits of amendments and nobody really knows what the most up-to-date regulation is”⁶².

136. Another Advocate described secondary legislation as “*elusive*” and “*downright misleading*” at times⁶³.

137. Another said that whilst large firms often have extensive libraries, that does not mean that these sources of law are equally accessible to everyone:

“I think also most of our firms have quite good libraries. Certainly I know Appleby – formerly Dickinson’s – Cains have been around a long time. My own firm, we trace our history back over a hundred years. We have got books in our library which were published in the 1850s, 1860s, original statutes, and there is a huge source of information which is available. I appreciate that is not available to the layman – that is not, with respect, our problem as such...”⁶⁴.

138. Certainly, the criticisms directed at the records of secondary legislation are concerning. Gaps in the system could lead to the making of wrong decisions which then have to be corrected at unnecessary expense. **I recommend that the prompt and accurate updating of such legislation should be a priority for the Government, to ensure that advocates and litigants in person can access the correct version of the relevant legislation at any given time.**

139. Whilst I appreciate that for reasons of expense, Manx law is not as available in text books or other written sources as the laws of other larger jurisdictions might be, I agree with the Committee’s conclusion that “*the lack of resources available for those learning Manx law is still a major gap in provision*”. I note that the Clothier report came to a similar conclusion⁶⁵.

⁶² Transcript 2: 1281 - 1283

⁶³ Transcript 2: 1307

⁶⁴ Transcript 2: 1812 - 1817

⁶⁵ Para 2.9

140. Academic and professional text books are expensive to produce and have limited print runs. They are correspondingly expensive to buy and to keep updated. Clearly, there are even tighter limits where the market for hard copy legal text books is small but now that so much of what a lawyer needs to research is online, it must be worth investigating whether existing text books on the law of the Isle of Man, in addition to court judgments and statutes which are already online, can be made available on the internet, and updated editions and new books can be published online only.
141. There will always be a difference in the availability of research material and the amount of case law in a relatively large jurisdiction such as England and Wales compared to the Isle of Man. No doubt the majority of lawyers qualified off-Island but working on-Island will for the most part be advising on trusts, pensions, tax, banking and insurance law where a detailed knowledge of Manx law is likely to be less necessary than it will be for a conveyancer in Douglas, Ramsey or Peel. If, though, the laws of other jurisdictions are easier and more convenient to access, is there not a possibility that even domestic lawyers will migrate to, and advise their clients to make commercial or other agreements under, say, English and Welsh law?
142. If the Isle of Man is not to lose its distinct identity as a separate jurisdiction and to ensure that people on the Isle of Man do not use English law for their transactions and disputes because it is easier and cheaper to find out what it is, it will need to take steps to record and make accessible at a reasonable price its own law where it is different from other larger jurisdictions.
143. Further, whilst I appreciate that large Manx firms have no doubt invested considerably to develop their libraries, I do not think it satisfactory that the current inaccessibility of Manx law could lead to an unacceptable inequality of arms between those larger firms that can access sources of Manx law, and smaller firms or litigants in person, who will not have such ready access. Whilst it is uncontroversial that true equality of arms in litigation is very hard to achieve, it is nevertheless the case that certain policies can increase or decrease the level of unavoidable inequality. Ensuring that Manx law is accessible at a reasonable price

will also ensure a greater equality of arms between litigants in the Manx courts. I draw attention to Section 2(1)(f) of the Advocates Act 1995.

144. **I agree with the Committee’s conclusion that the current lack of resources is likely to affect trainee advocates. I recommend that the IOMLS and the designers of the course at the Institute of Law Jersey consider how this issue can best be remedied, either by way of textbooks or otherwise.**

Requalifying as a Manx Advocate

145. The current process for an overseas qualified legal professional who wishes to requalify as a Manx advocate is the same as that for a recent graduate, except that the period of articles may be shortened to twelve months.

146. The Committee questioned whether:

“...it should be necessary for a lawyer already qualified and experienced in another common law jurisdiction, who has perhaps been working in the Isle of Man for some years and is already advising on Manx law, to go through the same process as somebody who is at the beginning of their career, albeit in a shorter timeframe”⁶⁶.

147. The Committee also noted “*several inconsistencies*” within the present system in that there are “*circumstances in which lawyers who have not qualified as Manx advocates are able to advise on Manx law, represent clients in court, and act as judges in the Manx courts*”⁶⁷. The Committee then went on to consider these circumstances, namely, the Temporary Advocate’s Licensing system, the criteria for appointment to the Judiciary, the criteria for appointment as a Panel Deemster, prosecutors in the Attorney General’s Chambers, and Registered Legal Practitioners and Other Foreign Lawyers.

⁶⁶ Para 54

⁶⁷ Para 55

148. The Committee also suggested that if “*it were more straightforward to requalify as a Manx advocate, more lawyers from other jurisdictions would choose to do so. This would translate to more choice for residents of the Isle of Man, and more members for the Law Society*”⁶⁸.

149. During the roundtable sessions, there were mixed views as to whether a more straightforward requalification procedure would encourage overseas talent to relocate to the Isle of Man. It was noted in particular that non-Manx qualified lawyers could not become partners in Manx law firms, which one Advocate described as “*discouraging retaining talent and attracting talent to the Island particularly*”⁶⁹.

150. However, whilst one Advocate expressed the view that the corporate law sphere had “*a real issue*” with attracting talent to the Isle of Man, as opposed to other jurisdictions in which it is easier for overseas lawyers to requalify and become an equity owner⁷⁰, another Advocate stated:

“In my experience, I think the overall impact of that state of affairs is probably overstated. I have come across very few instances – I cannot think of one at all – where somebody has decided they would otherwise have relocated lock, stock and barrel to the Isle of Man but for this requalification requirement. We have employed many good lawyers qualified in other jurisdictions who have done a tour of duty in the Isle of Man and they have worked here for a while, they have not requalified and they have left. But I know in all cases they did not leave because –

Q39. Lord Garnier: They could not become a partner?

⁶⁸ Para 60

⁶⁹ Transcript 2: 1062

⁷⁰ Transcript 2: 1212 - 1216

██████████: – of the rules about requalification in the Isle of Man. They left because that is what they wanted to do with their lives. So I suspect it is easy to overstate the significance of that particular factor”⁷¹.

The Temporary Advocate’s Licence

151. Overseas lawyers can be temporally licensed to appear and conduct a case in the Manx courts in certain circumstances. Pursuant to Section 15 and 17 of the Advocates Act 1995, a person is eligible to receive a Temporary Advocate’s Licence (“TAL”) if they are:

- a member of the Bar of England and Wales; a member of the Bar of Scotland or a member of the Bar of Northern Ireland; and
- they have a right of audience in relation to all classes of proceedings in the supreme courts of the jurisdiction in which she or he is qualified; or
- a person who is otherwise qualified in accordance with regulations made under Part II of the Advocates Act 1995.

152. Further, in order to be eligible, a person must satisfy the First Deemster that he or she is a fit and proper person to be an advocate⁷².

153. Section 17(2) of the Advocates Act 1995 provides that the First Deemster shall issue a TAL to a person qualified under Section 17(1) only if the First Deemster is satisfied:

“(a) that the licence is required for the purposes of specific proceedings before a court, a tribunal, or a commission or committee of inquiry in the Island; and

(b) that —

(i) no advocate who holds a commission issued under section 15(1)(a) is available for such proceedings; or

⁷¹ Transcript 2: 1223 - 1234

⁷² Section 17 (1) of the Advocates Act 1995

- (ii) such an advocate is available but could not act without a conflict of interest occurring; or*
- (iii) the proceedings require knowledge and experience of a nature not ordinarily available in the Island; or*
- (iv) the proceedings are likely to be so lengthy that they would impose unreasonable demands on the time and resources of such an advocate; or*
- (v) such circumstances exist as are specified in regulations made under this Part”.*

154. Pursuant to Section 17(3), a person “*aggrieved by a decision of the First Deemster under subsection (2) has the right to have the decision reviewed by the Judge of Appeal in accordance with regulations under this Part*”.

155. The High Court Directive 2000X (24) ‘Issue of Temporary Advocate’s Licence’ further governs the process⁷³. It sets out the relevant provisions of the Advocates Act 1995. It then provides:

“In the light of two recent decision of the Judge of Appeal, reversing the decision of the First Deemster to issue a temporary advocate’s licence, the following procedure shall be followed whenever an application for a temporary advocate’s licence is submitted to the First Deemster.

1. *The applicant shall state the precise grounds under section 17(2)(b) on which the application is made. A general statement will not suffice. If the application is based on section 17(2)(b)(iii) the particular knowledge and experience required for the case must be specified and also the details of the practice or experience of the proposed temporary advocate. It should be noted that it is not sufficient to establish that the required knowledge and experience is not available within a particular firm of advocates, but rather that it is not available in the Island from members of the Manx Bar as a whole.*

⁷³ <https://www.courts.im/rules-of-court/high-court-civil/directives-remaining-in-force/>

2. *Notice of the application shall be given to the advocates representing all other parties to the proceedings, or to the parties themselves if they are unrepresented, and those advocates or parties shall be informed that they may make representations with regard to the application to the First Deemster within seven days of their being notified of the application. Only in exceptional cases will a temporary advocate's licence be issued before the expiry of the seven days within which representations may be made to the First Deemster.*

3. *The applicant shall forthwith notify all other parties to the proceedings of the grant of a licence in the event that a temporary advocate's licence is issued by the First Deemster”.*

156. In his evidence to the Committee, the First Deemster expressed the view that the current system “works well”:

“This is generally because you will have a Manx advocate or advocates as part of the team. So the silk or the very experienced advocate who is licensed under the Advocates Act will invariably have advocates appearing with them, sitting behind them, and they will be able to deal with any issues of Manx law and procedure... the particular barrister obviously respects the differences, makes sure they spend time getting up to speed with the differences... So it does not produce any particular difficulties for the Manx courts, no.”⁷⁴

157. The Committee recognised that it received comments from members of the public and members of the Manx Bar who felt they have been disadvantaged by the regulation of licensing counsel from off-Island. Some members of the public felt that the current system was “a protectionist measure put in place to preserve the local Bar.” Further, some local advocates felt disadvantaged by the system because

⁷⁴ Oral Evidence to the Committee, the Report, p. 184, 135 – 144

it prevented them from “*briefing a barrister when they feel that would be the best outcome for their client.*”

158. Whilst the members of the public who contributed to this Review were not a scientifically reliable sample, it is nonetheless of some significance that those who did express a view to this Review said, for example, that the profession was “*insular*”, and that the “*the advocates all know each other as potential friends*”. Another member of the public submitted that there were “*insufficient choice and competitive elements*” in the Manx legal profession.

159. More than one person expressed the view that they had found it difficult to find representation. Nevertheless, I note that, according to the 2020-2021 Annual Report of the General Registry of the Isle of Man Courts and Tribunal Service, the majority of TALs are “*issued in relation to complex commercial litigation matters.*”⁷⁵

160. Responding to the view that the current TAL system was protectionist, the First Deemster stated:

*“The criteria for the granting of licences are quite tight. As I say, my perception is that the judicial decisions concerning the licensing procedure have, if anything, tightened those criteria. There is a bit of discretion in the criteria, and this, as I said earlier, tends to reflect the increased activities in the local Bar. When one goes back for example to the 1980s when I started off as a Manx advocate, and indeed probably into the 1990s, there simply was not the expertise. The Bar was very, very small and everyone was a general practitioner. So if you had a very specialised case or a long-running case, invariably you would apply to have an English barrister licensed to deal with the matter. That simply is not necessary anymore, because there is the necessary expertise on Island. It could be regarded as a protectionist measure to some extent, but I am not sure that really is fair, in view of what I have just said”*⁷⁶.

⁷⁵ <https://www.gov.im/media/1367333/general-registry-annual-report-2020-2021.pdf>

⁷⁶ Oral Evidence to the Committee, the Report, p. 184, 157 – 167

161. The Committee concluded that it was “*important to maintain a distinction between the Isle of Man and other jurisdictions*”, and that they did not believe “*that non-Manx lawyers should have automatic rights of audience in Isle of Man Courts*”⁷⁷. The Committee recommended, however, that:

“Tynwald should repeal this satellite procedure so that if a Manx advocate wanted to brief a barrister from another jurisdiction, using their professional judgement, they would be free to do so”.

162. The Committee noted that the “*guarantee of the quality of the choice would be the Manx advocate who briefs them; this would be supplemented by the requirement in the jurisdiction of origin - usually England and Wales - that lawyers must only practise in their spheres of competence*”.

163. The Committee later summarised this recommendation as:

“It should be possible for legal practitioners to be given automatic temporary licences, giving them right of audience in Isle of Man courts, if they are briefed by a Manx advocate”.

164. In their submissions to this Review, the IOMLS described this recommendation as somewhat concerning⁷⁸ and put on record their lack of support for it:

*“There is no evidence that the current TAL system needs to change and we would agree with the views of the learned First Deemster when he said (in his evidence to the CLAJ Committee) “We do now have an excellent selection of specialists in the Manx Bar who can deal with virtually every case. It is pretty rare that one cannot find, or a client cannot find, the specialism that is needed for a particular case””*⁷⁹.

⁷⁷ Para 59

⁷⁸ p9

⁷⁹ P10

165. The IOMLS further stated that the Isle of Man’s TAL system is “*considerably more flexible than that of Jersey and Guernsey. The Society cannot see any benefit in changing this when there is no compelling evidence that change is needed*”⁸⁰.

166. I also note that the Council of Ministers did not support the Committee’s recommendation. Some concern was expressed that “*the change would turn the Island into a circuit of the High Court in England and Wales and lead to Advocates simply acting as solicitors*”. The Council of Ministers also pointed out that there are “*additional complexities around regulation and insurance for such automatic audiences, particularly where standards differ between jurisdictions. There are also questions which cannot easily be answered about who the regulator would be and what sanction may be applied to those who did not meet the required standards of the Law Society*”.

167. The Council of Ministers concluded that:

“Removal of the restrictive provisions on licensing temporary advocates (as provided for in s.17 of the Advocates Act 1995) would, by definition, result in a less regulated system of appointment of any legal practitioners. Allowing the grant of temporary licences to be automatic would result in the removal of checks that currently serve to ensure the public have reliable access to a legal practitioner versed in Manx law. The current restrictions act as a regulatory system to safeguard the public by ensuring that cases falling under Manx jurisdictions are dealt with by a Legal Practitioner who has suitable expertise and capacity to fully represent their client under Manx law. The current restrictions effectively provide that the First Deemster may refuse to grant a temporary licence to a legal practitioner if he believes a Manx Advocate has sufficient expertise and availability to act on the client’s behalf”.

⁸⁰ P10

168. The Council also quoted the First Deemster’s evidence to the Committee, in which he stated:

“We do now have an excellent selection of specialists in the Manx Bar who can deal with virtually every case. It is pretty rare that one cannot find, or a client cannot find, the specialism that is needed for a particular case”⁸¹.

169. The Council was also of the view that *“the regulations in their current form are not insurmountable for applicants”*, as 73 of the 93 applications for TALs between 2014 and 2018 were granted by the First Deemster⁸². The Council further noted that:

“the absence of any sizeable number of applications for licences appears to indicate that there does not seem to be a pressing need to instruct extra-jurisdictional legal practitioners. Only 9 and 5 applications were made in 2017 and 2018 respectively”.

170. Accordingly, the Council recommended the following amendment to the Committee’s recommendation:

“An independent review should assess whether the current system of right of audience requires amending and if so, what alternatives there may be to this system”.

171. The subject of TALs was discussed in the roundtable sessions in Tynwald with members of the profession. In general, these advocates felt that the current system worked well. They recognised the development opportunities the system presented for Manx advocates. For example, one Advocate commented:

⁸¹ Oral Evidence to the Committee, the Report, p. 183, 97 – 99

⁸² Follow-up memorandum to the oral evidence session on 17th December 2018 from Stuart Quayle, Chief Registrar, Isle of Man Courts of Justice, the Report p. 587

“It is also necessary for the development of the Bar to have access to temporary advocates, even QCs from England come and practice here, it is a useful professional development for us to be involved in and see how they run their cases. So it is not something that I think we are against, I think it is quite a useful tool in the right circumstances and it is useful for ongoing training as well” (my emphasis).

172. Some advocates were supportive of opening up the TAL system in the interests of justice, especially in the interests of clients:

“I understand where Deemster Doyle was coming from, he thought it was going to hold people back by not being given the opportunity to do these cases, but actually, I think you just ended up potentially with things not being litigated as well as they could have been, and that is not in anyone’s interests. It is definitely not in the client’s interests”.

173. Another Advocate remarked upon the “nonsense” that could happen if a case is complicated and the only advocate that an individual could get did not feel that he or she was up to the task and was unable to get support in court from a temporary advocate who would be better placed to appear in the matter⁸³.

174. One Advocate felt that a benefit of TALs was that it enabled Manx advocates to apply for external Counsel if a trial was particularly long, such that it could affect the Manx advocate’s practice:

“It was usually either because of the nature of the case or the length of the trial and given the small criminal Bar that we still have and did have then, the length of trial on an individual’s practice when you are a fused profession would have a

⁸³ Transcript 4: 718 - 720

significant impact and so if you were going into a two- or three-week trial –

Lord Garnier: You could not give up two or three weeks out of the office, no?

Ms Hannan: No, and you would lose the rest of your business because preparing for that and running it, you would come back to zero work. So those are the occasions where I have instructed”⁸⁴.

175. I note this reflects the First Deemster’s evidence to the Committee in explaining the Panel Deemster system:

“Sometimes it is driven by specialist knowledge. I think we said that in our memorandum, but it is usually a case which is a very lengthy one. For example, if we are told the case is going to last four to six weeks or even longer, to have one of the permanent members of the judiciary dealing with that would cause major problems – we would just not be able to deal with anything else during that time, and that would cause problems. Yes, it is more to do with length of proceedings, certainly on the civil side which I have most to do with”⁸⁵.

176. Looking at other jurisdictions that are similar in size to the Isle of Man, neither Jersey nor Guernsey has a system which permits foreign qualified Counsel to be temporally licensed.

177. In contrast, the Cayman Islands has a much more open system. Section 4 of the Legal Practitioners Act 2022 states:

“Limited admission as attorney-at-law

⁸⁴ Transcript 1: 883 - 892

⁸⁵ Oral Evidence to the Committee, the Report, p. 182, 64 – 69

4. (1) A judge shall have power to admit to practise as an attorney-at-law, for the purpose of any specified suit or matter in regard to which the person so admitted has been instructed

—
(a) by an attorney-at-law in the Islands; or
(b) where the Clerk of Court has certified that it is not possible to assign the services of an attorney-at-law to a person to whom a legal aid certificate has been granted under section 17 of the Legal Aid Act, 2015 [Law 17 of 2015], by such person,

any person who possesses the prescribed qualification, if such person has come or intends to come to the Islands for the purpose of appearing, acting or advising in that suit or matter, and an application for such admission is made in such manner as the judge may think fit.

(2) A person admitted to practise as an attorney-at-law under subsection (1) shall be entitled to practise for the purpose of the suit or matter concerned but not otherwise. (3) The Clerk of Court shall not issue a certificate under paragraph (b) of subsection (1) unless the Clerk of Court is satisfied that every reasonable effort has been made to obtain the services of an attorney-at-law in the Islands for the person to whom the legal aid certificate has been granted, and that there is no attorney-at-law in the Islands who is willing and able to advise or represent that person under the Legal Aid Act, 2015 [Law 17 of 2015]”⁸⁶.

⁸⁶ <http://www.legislativeassembly.ky/portal/pls/portal/docs/1/12400450.PDF>

178. The IOMLS noted that, in its view, the process for applying for a TAL may be difficult to navigate, which is “*not in the interests of justice and access to justice*”⁸⁷.

179. One Advocate at the roundtable sessions, who had experience of using the TAL system, agreed:

*“I think it would be extremely difficult for somebody acting on their own to try and navigate that process of making an application to First Deemster and securing a Temporary Advocates Licence”*⁸⁸.

180. Other advocates were in agreement that the TAL system ought to be clear and accessible for the lay user. One Advocate stated that the Law Society website was “*clunky*”⁸⁹ and noted:

*“It is quite difficult to navigate, even as somebody who has to use it quite often it is very difficult to find the material you want on there. So for somebody who is going on there for the first time, not knowing that it is called a Temporary Advocates Licence is not going to know what to put into their Google search”*⁹⁰.

181. In order to make this process less difficult, the IOMLS has worked with the Manx courts to prepare guidance for TAL applications which:

*“will ensure that the system is made more accessible and clearer for the public and that consequently there is improved access to justice for those members of the public who are unable to obtain the representation of an Advocate”*⁹¹.

⁸⁷ P10

⁸⁸ Transcript 1: 899 - 901

⁸⁹ Transcript 1: 923

⁹⁰ Transcript 1: 923 - 925

⁹¹ P10

182. I commend the IOMLS for taking the initiative, in co-operation with the Manx courts, and for recognising the need for the TAL system to be accessible and for preparing guidance to help with this (the “TAL Guidance”). I have looked at the TAL Guidance, however, and consider that it needs to go further in order to be readily accessible to the average member of the public, who, as one Advocate put it in our roundtable sessions, may not even know that what they are looking for is called a Temporary Advocate’s Licence⁹². For example, the TAL Guidance refers frequently to the provisions of the Advocates Act 1995, which, without more, a member of the public may not find entirely helpful.
183. Further, whilst section 9 of the TAL Guidance provides helpful information for a member of the public about the information they need to provide if making an application on the grounds that “*the proceedings require knowledge and experience of a nature not ordinarily available from any local Advocates (Section 17(2)(b)(iii))*”, the Guidance does not provide information on what could and could not amount to a conflict of interest (Section 17(2)(b)(ii) provides that a TAL can be issued if a Manx advocate is available but “*could not act without a conflict of interest occurring*”).
184. Whilst not a statistically reliable sample, the Public Submissions raised anecdotal concerns about finding representation when a conflict of interest had arisen more frequently than concerns about finding representation with sufficient knowledge and experience. I do not find this surprising, given the size of the Manx Bar and the resulting potential for the perception of a conflict, even if not an actual conflict.
185. **I therefore recommend that the TAL Guidance is kept under careful review to ensure that it covers each ground of application and that it is easily accessible to the public, including those who may not even know what a TAL is. I recommend that advocates, when approached by someone with a claim in respect of which that advocate is unable to act for one of the reasons set out in**

⁹² Transcript 1: 923 - 925

Section 17 of the Advocates Act, should direct members of the public to this Guidance.

186. The IOMLS also suggested that:

“Steps should be taken to improve the public transparency of the membership of the Society and the expertise offered within the local Bar”.

187. I note that one particular step that the IOMLS is taking to improve this perceived issue is to:

“Review and improve the Society’s website so that not only is there more information available to the public, but that information will be more accessible and importantly, kept up to date”⁹³.

188. I agree that any measure that increases transparency and awareness of expertise is helpful, but I recommend that these steps are taken alongside the steps outlined in the rest of this Review. All the various Bars of the United Kingdom and Ireland have sections, of varying degrees of accessibility, on their websites to enable clients to find a barrister/advocate. This includes a brief description of each barrister’s/advocate’s expertise⁹⁴. Members of the public can also search the list by specialism/expertise⁹⁵.

189. It is clear to me, both from the evidence and from reading the recent case law, that the courts will deal with each TAL application genuinely on its merits whilst, and this is hardly surprising, strictly applying the statutory requirements under the Advocates Act 1995. Additional cost or inconvenience caused by not having a

⁹³ P11

⁹⁴ For example, see <https://www.advocates.org.uk/advocates>; <https://www.lawlibrary.ie/find-a-barrister/>; <https://www.barstandardsboard.org.uk/for-the-public/search-a-barristers-record/the-barristers-register.html>; <https://www.barofni.com/directory>

⁹⁵ In England and Wales, this is only possible in respect of direct access qualified barristers: <https://www.barcouncil.org.uk/bar-council-services/for-the-public/direct-access-portal.html>

lawyer from off-Island under a TAL are not factors the court can accept as reasons to grant the application. Nor is the fact that the applicant's Manx advocate does not personally possess the necessary knowledge and experience to conduct the case a reason to allow the grant of a TAL. If the necessary knowledge and experience is available within the legal profession in the Isle of Man, the applicant's advocate should pass the instructions to or work with another Manx advocate who does possess that knowledge and experience rather than resort to an off-Island lawyer.

190. As set out above, there are mixed views in the profession about the current application of the statutory regime on TALs, whether it is too restrictive or not restrictive enough and whether it is where it needs to be. That a suitably knowledgeable or experienced advocate is available but could not act without a conflict of interest or that the proceedings are likely to take so long that they would impose unreasonable demands on the time and resources of the advocate are already factors which would permit the grant of a TAL.

191. These statutory grounds, taken together with the others in Section 17(2)(b) of the Advocates Act 1995, appear to me to provide for sufficient flexibility so long as the applicant adduces reliable evidence in support and makes the application within the relevant time limits. The profession must, in its own interests and in the interests of the public it serves, ensure that the only applications which come before the First Deemster are those that comply with the statutory framework and are not inventively adjusted to keep hold of a case without having to do the advocacy. My distinct impression is that both parts of the TAL equation, the judiciary and the profession, are making the present system work to the public's advantage and in the interests of justice even if occasionally an application has to be rejected on the facts. It becomes more difficult to argue for the maintenance of an independent Isle of Man jurisdiction and legal profession if its courts and the profession are not prepared to do what is necessary to sustain that independence.

192. There is though one aspect of the TAL system that might, if it is factually true, need to be monitored carefully. I was told by an off-Island practitioner that they were under the impression that the prosecution can operate a veto on the grant of a TAL in criminal cases. I have not been able to interrogate that assertion but if true

and that veto works outside the statutory framework, it should be stopped. It may be of course that this practitioner is merely a disappointed lawyer denied the chance to appear in a case in Douglas because they could not be brought, on the evidence, within the statutory regime.

193. Leaving that aside, the role that the opposing party plays in an application for a TAL warrants careful consideration. The First Deemster stated in his evidence to the Committee that:

“Clearly, if there is no objection taken to the application, then it is usually, but not invariably, granted”⁹⁶.

194. The statutory test does not consider questions of cost or proportionality, such that the opposing party’s interests in preventing the grant of a TAL when it would increase costs could be relevant. I recommend that consideration is given to whether applications for TALs could be taken outside the adversarial process and determined by the First Deemster ex parte, even if on notice.

195. Clearly, the opposing parties in the litigation or the criminal trial have an interest in the application, but it is essentially a matter for decision by the court based on the evidence in support of the application and whilst the First Deemster might be assisted by any observations from the other party, he will need primarily to assess the evidence from the applicant. The result of an application for a TAL is not to be seen as tactical defeat or victory, with a party ‘winning’ by preventing the other side from engaging an overseas lawyer on a TAL and ‘losing’ when an opponent is allowed to engage an overseas lawyer on a TAL.

196. That said, there is unquestionably a need for the Isle of Man and its legal authorities to maintain the independence and distinct nature of its legal profession and jurisdiction. As has been mentioned before, although there are aspects of practice and the examination system that could withstand change and need to be changed, it is essential for the Government, Tynwald and the courts to ensure that

⁹⁶ Oral Evidence to the Committee, the Report, p. 184, 179 – 180

the Isle of Man's jurisdiction and the rules governing who may practise on-Island and appear in its courts are kept under local control.

197. To grant free and unfettered access to rights of audience is to lose control of the courts to others who may have different interests to the Isle of Man's judges and government and who are unaccountable to the Island's people. To permit Isle of Man advocates to decide whether off-Island barristers may appear in the Isle of Man's courts is, I suggest, constitutionally and administratively unacceptable. Advocates appear in court because they have a right of audience granted by the court, custom and usage, or statute. The courts are not a private institution but a manifestation of the Crown or, in modern parlance, the State. Through the judiciary, the Crown permits certain suitably qualified people to appear. The right of audience is personal to the advocate. It is not a right they are empowered to pass on to others.
198. The First Deemster or another delegated by him deals with applications for TALs. He will have built up an evidence-based understanding of where the right answer to those applications lies and, if he is wrong, the Appeal Court will deal with the matter. He will also have acquired judicial knowledge of the expertise and calibre of the Isle of Man's advocates to enable him to reach a conclusion that is right for the case before him.
199. Clearly, to apply the statutory regime too restrictively can lead to injustice but I am persuaded, having read some of the first instance and appeal judgments on TAL applications, that the courts are not excessively rigid in their application of the statutory test even if it causes the applicant's instructing Manx advocate, the lay client and/or the off-Island candidate for the TAL disappointment when refused. Equally, for the courts to pay no attention to the statutory rules for TALs and to permit all applications to succeed regardless of their merits or compliance with the regime would, as has been noted by the Council of Ministers, undermine the independence of the jurisdiction and lead to advocates "simply acting as solicitors".
200. A self-confident profession is not an overconfident profession, still less a reckless one. If a Manx advocate does not feel capable of acting in a matter in which they have no professional expertise or experience, or is unable to devote the time

required properly to advise and represent the lay client, they should investigate whether the case can be taken on by another Manx advocate with the relevant experience and expertise, rather than jealously hold onto the instructions hoping to employ an off-Island barrister/advocate on a TAL. Nor should they take on a case hoping that any gaps in their own experience or advocacy and professional skills can be dealt with by instructing an off-Island lawyer to write the requisite submissions and then reading them out.

201. I heard from one member of the judiciary that it was not uncommon for an advocate to read out submissions that had clearly been drafted off-Island, and then to be unable to expand on points or deal with questions from the judge that arise from the written submissions. No court should have to tolerate an unprepared advocate nor one parroting another's work without understanding the submissions. Court advocacy is not a monologue performance and one must expect to be questioned and to engage with the court on one's case.

202. It follows therefore that in order to maintain the excellence and independence of the Isle of Man's own jurisdiction by not opening rights of audience through a more relaxed TAL system to all qualified lawyers from any other jurisdiction, or even only to members of the various Bars of the United Kingdom and Ireland, the Manx profession must meet the challenges that that brings. I realise that small firms do not have the capacity to pass work to other lawyers in the same firm and that a generalist will not have the experience or depth of knowledge of a specialist but, if the public is to be served by its own legal profession to an acceptable standard, practitioners must be prepared to shed work to and take on work from others and not rely on TALs to see them through. No doubt the referring of cases to others with the requisite knowledge is a widely adopted practice, but a few exceptions must not be allowed to affect the overall standing of the profession.

203. The Deemsters will have a good idea which practitioners tend to support applications for TALs of marginal or no merit and can, in chambers and without causing embarrassment, invite them to examine their record of applications to see if there are lessons to be learnt. From the published judgments on TAL applications, the reasons for success or failure are clearly set out but, even if only rarely

necessary, a warning about a poor application that may damage a reputation is helpful. This also speaks to the need for a meaningful system of CPD.

204. There is an apparent discrepancy between sections 16 (Qualification for an Advocates' Commission) and 17 (Qualification for issue of temporary advocate's licence) of the Advocates Act 1995. Pursuant to paragraphs 5 (2) and (3) of the Regulations, an Irish qualified barrister is eligible to enter into articles, the same as a "a barrister, advocate or solicitor in any part of the United Kingdom".
205. TALs can only be issued however to members of the English and Welsh, Scottish and/or Northern Irish Bars. Given the opportunities for development that come from the exchanges between Manx advocates and TALs from England and Wales/Scotland/Northern Ireland, I see no reason why eligibility for TALs should not also be open to members of the Irish Bar, particularly given that Irish barristers are eligible for an advocate's Commission.
206. I have referred to the possibilities for exchanges between Manx trainee advocates and members of the three Bars within the United Kingdom as well as the Irish Bar and it may be that including Irish barristers in the groups eligible for TALs should be explored in the interests of increasing connections and exchanges between the legal professions of the Isle of Man and Ireland more generally.
207. In conclusion, I reject the Committee's recommendation that a Manx advocate should be able to instruct a barrister/an advocate from another jurisdiction to appear in court in the Isle of Man if they think it professionally appropriate.
208. **I recommend that the Isle of Man's judges should remain the primary and statutory point of control over who may or may not appear before them and, whereas the use of a TAL can be in the interests of justice, because it adds value to a particular case through the use of experience and expertise that is not available in the Isle of Man or it overcomes genuine problems of conflict within a small profession, it should not become the default position whenever an apparently difficult case or professional inconvenience emerges.**

209. The Committee noted that there some circumstances in which it is possible, with reduced legal training or with no Manx qualification at all, to appear in court or advise on Manx law. Under the Advocates Act (Exemption) (Amendment) Regulations 2002, prosecuting officers in the Attorney General’s Chambers may appear in the Manx courts in criminal matters only, without sitting the Manx Bar examinations and with only a three-month period of training⁹⁷.
210. Under sections 8, 9 and 11 of the Advocates Act 1976, non-Manx advocates are prohibited from appearing in court or carrying out property and probate transactions, but non-Manx lawyers are otherwise free to advise on Manx law. For example, non-Manx advocates may represent clients at the Employment Tribunal⁹⁸ and Registered Legal Practitioners may draw instruments relating to personal property under section 4 of the Legal Practitioners Registration Act 1986.
211. Further, in restricted areas, such as property law, non-Manx advocates may be involved in the work and advising on that area of Manx law, as long as the work is signed off by a Manx advocate⁹⁹.
212. It is, of course, not necessary for members of the judiciary (including Panel Deemsters) to be Manx-qualified advocates.
213. Given these various exemptions, the Committee concluded:

“There is no good reason why exemptions exist in all of these areas, but it is still considered necessary for those wishing to requalify as Manx advocates to undertake a period of articles and examination in all areas of Manx law”¹⁰⁰.

⁹⁷ <https://www.tynwald.org.im/spfile?file=/links/tls/SD/2002/2002-SD-0128.PDF>

⁹⁸ Para 69

⁹⁹ Para 70

¹⁰⁰ Para 72

214. The Committee therefore recommended, as an alternative to requalifying, that a system of practising certificates should be introduced for Manx advocates and others practising on the Island. In particular, the Committee suggested that:

“Lawyers qualified elsewhere could be licensed by the Law Society to advise on areas of Manx law in which they have proven experience and competency. This could be tested by an examination in the relevant area of law. The certificates could be renewable annually or at another interval”¹⁰¹.

215. In other words, an overseas qualified lawyer could be licensed, for example, to advise only on Manx commercial law, or only Manx family law.

216. In its response, the Council of Ministers questioned whether practising certificates were necessary for the Isle of Man, whilst supporting “*some form of enhanced regulation in respect of continuing fitness to practice*” in order to protect consumers.

217. In the roundtable sessions, this issue came up in the context of the prohibition on non-Manx qualified lawyers becoming partners in law firms. As discussed above, there were mixed views amongst the advocates about the extent of this problem.

218. It was pointed out that it was unsatisfactory that non-Manx qualified lawyers could join Manx law firms and spend years on the Island advising on Manx law, but that they could not become equity owners or partners without requalifying as a Manx advocate. The requalification process they would have to undergo would be the same as an overseas qualified lawyer who arrived in Douglas the day before.

219. One Advocate pointed out that permitting non-Manx qualified lawyers to become equity partners could affect the Master Policy that all firms on the Island buy into for their professional indemnity insurance:

¹⁰¹ Para 73

*“If you had non-Isle of Man advocates being admitted as partners in some firms and not in others, I think there would be issues from the PI perspective, the Master Policy, and it is something you would have to look at very carefully with our brokers and with the broad market as to how that impacted on it and whether or not you are then talking about can you have English barristers admitted as partners, English solicitors, Scottish solicitors, French attorneys, where you draw the line, and how that then plays into the PI aspect. So it is a big issue. It is not a small issue.”*¹⁰²

220. Whilst it was accepted that a law firm could choose to pay a non-Manx qualified lawyer the same as an equity partner, it was pointed out that regardless of remuneration, being an equity partner, having *“an equal seat at the table”*¹⁰³, *“being able to sit around the table and make decisions about the strategy and future direction of a firm”*¹⁰⁴ is always going to be important to certain people.

221. There was debate whether a partner in a law firms needs to be locally qualified when they would be supervising Manx qualified advocates. One Advocate pointed out that the reality of life in a large firm is that one individual partner simply cannot de facto supervise all the lawyers working in that firm¹⁰⁵.

222. There was support for the Committee’s suggestion of a system of partial qualification, which was felt could help make the Isle of Man attractive to talented overseas lawyers for whom becoming a partner is very important¹⁰⁶.

223. An overseas qualified lawyer can become a legal practitioner in the Virgin Islands if one has *“practised, for a period of not less than five years prior to his or her application for admission, as a barrister, advocate, solicitor or attorney-at-law in England, Scotland, Northern Ireland or other recognised jurisdiction, and was, for the duration of the period that he or she so practised, a member of the relevant*

¹⁰² Transcript 2: 1109 - 1114

¹⁰³ Transcript 2: 1186

¹⁰⁴ Transcript 2: 1183 - 1184

¹⁰⁵ Transcript 2: 1173-1175

¹⁰⁶ Transcript 2: 1060 - 1144

*Bar, Law Society or other recognised regulatory body*¹⁰⁷ and has “*a right of audience before a Superior Court of record*” in a relevant jurisdiction¹⁰⁸.

224. In the Cayman Islands, a United Kingdom solicitor/barrister/advocate, along with certain other Commonwealth lawyers, can be admitted to practise as an attorney-at-law by making an application in writing evidencing their qualifications¹⁰⁹. In order to obtain a work permit, the lawyer must have at least three years’ post-qualification experience¹¹⁰.

225. In Bermuda, a non-Bermudian English barrister/solicitor or a lawyer who is “*entitled to practice in any court of Her Majesty’s dominions and possess a qualification as to standard, law, practice, procedure and practical experience comparable to those of barristers and solicitors admitted to practice in England*” is entitled to apply for admission to the Bar after one year’s residency in the past 15 years in Bermuda. Non-Bermudians must be employed by a Bermudian barrister and attorney¹¹¹.

226. In Guernsey and Jersey, overseas qualified lawyers must undertake the same entry route as new entrants to the profession in order to become locally qualified¹¹².

227. It may at first glimpse seem unnecessary and overly restrictive to require an experienced overseas qualified lawyer to pass examinations in order to practise as a Manx lawyer in the Isle of Man. Some small states permit more liberal access by overseas lawyers to their courts but the standard practice for most independent jurisdictions is to regulate their own entry requirements and practice standards.

¹⁰⁷ Section 11 (1)(a) of the Legal Professions Act 2015; <https://www.chba.org.uk/for-members/library/practice-directions-court-notices/legal-profession-act-2015-bvi>

¹⁰⁸ Section 11(6) of the Legal Professions Act 2015; <https://www.chba.org.uk/for-members/library/practice-directions-court-notices/legal-profession-act-2015-bvi>

¹⁰⁹ Section 3, Legal Practitioners Law (2015 Revision)

¹¹⁰ General Admission as an attorney of a solicitor, barrister or advocate from other jurisdictions, Cayman Islands Legal Practitioners Association <https://www.cilpa.ky/professionals>

¹¹¹

[https://bermudabar.org/images/QUALIFICATIONS__PROCEDURE_FOR_CALL_TO_THE_BERMUDA_BARRISTERS_Supreme_Court_Ac.pdf](https://bermudabar.org/images/QUALIFICATIONS__PROCEDURE_FOR_CALL_TO_THE_BERMUDA_BAR_Supreme_Court_Ac.pdf)

¹¹² <https://www.guernseybar.com/students-careers/qualifying-as-a-guernsey-advocate-in-detail.aspx>;
<https://www.jerseylaw.je/laws/current/Pages/07.070.aspx>

228. An English lawyer could no more expect to practise in New York as a New York attorney, or in Guernsey as a Guernsey advocate, without satisfying their professional rules than he could expect to do so in Douglas as an Isle of Man advocate. That an English lawyer can live in the Isle of Man and advise their clients remotely or across the desk on English law matters is beside the point. Clearly, there is an advantage to the Isle of Man in attracting experienced as well as new practitioners from other jurisdictions to work there and, in pursuing that goal, there is little to be gained in erecting insurmountable hurdles or creating disincentives.

229. I can, however, see a distinction between, on the one hand, an overseas lawyer who wishes to practise as an advocate in the Isle of Man's courts and to advise residents of the Isle of Man on Manx law matters (that is to be an Isle of Man lawyer like a home grown advocate) and, on the other hand, one who will have an advisory practice that, if it engages Manx law at all, will only do so incidentally to his existing practice. Subject to that second lawyer's own jurisdiction's regulatory regime, I cannot think it necessary either to protect the independence of the Isle of Man's jurisdiction or its quality control that that lawyer should have to pass an examination or complete articles with a Manx firm of advocates.

230. There will come a crossing point, no doubt, for those overseas qualified lawyers who wish to practise as both a Manx advocate and, for example, as an English solicitor. It is more obvious that a new entrant with only a few months or years post qualification experience overseas should be more carefully vetted than someone with a long-established practice and reputation but if one is to require some, but not others, to pass an examination or complete articles where does one draw that line?

231. The Committee recommended a practice certification system overseen by the IOMLS. The Council of Ministers preferred a regulatory system governing fitness to practise. In my view, if an overseas lawyer is to practise Manx law, they must satisfy the First Deemster that they have the requisite qualities to enable him to be sure they are not a risk to the reputation of the profession, nor present a threat to the public as consumers.

232. It is a matter for discussion between the Judiciary, the IOMLS and the Government how best this can be achieved, but clearly the difference between the types of lawyer outlined above will need to be considered and the least burdensome regulatory or certification system should be adopted. The First Deemster will need (i) to have the administrative and financial capacity to perform and oversee the certification process with the cooperation of the IOMLS; and (ii) will need to be assured that any regulatory system does not disadvantage the Manx legal profession or undermine its independence or that of the jurisdiction. There may also be insurance questions to be considered. **That said, I recommend a system that caters for both the experienced and less experienced overseas entrant with, say, 10 years' experience providing the boundary between the need for requalification and some acceptable form of approval.** Such a system is both achievable and necessary to maintain the Isle of Man's competitiveness.

233. If an acceptable and effective certification or regulatory system is achievable, it seems to me that the concept of the Registered Legal Practitioner and the provisions of the Legal Practitioners Registration Act 1986 relating to it become redundant. The policy aim must be to ensure that anyone practising law in the Isle of Man is duly qualified, certified or regulated, and insured under the rules of the Isle of Man be they qualified overseas or in the Isle of Man.

234. Defining "the provision of legal services" may well be a useful task to achieve this aim for which help can be found in Part 3 of the UK's Legal Services Act 2007 which deals with 'reserved legal activities'. I recommend that the Isle of Man adopts these definitions. What cannot be permitted is the existence of unregulated or unlicensed and uninsured practitioners who avoid their obligations to their clients, the profession and the jurisdiction.

Continuous Professional Development

235. The Committee recommended that a formal CPD requirement be introduced on the Isle of Man. The Council of Ministers supported this recommendation.

236. The then-lack of a formal requirement for CPD was criticised by the Committee:

“The current system offers no clear way of demonstrating to the wider public that an individual remains competent to offer legal services in the Isle of Man. There is a need to verify standards within the profession”¹¹³.

237. Whilst recognising that a formal CPD requirement can “*all too easily become a box-ticking exercise*”, the Committee suggested that to prevent this from happening, any CPD ought to be tied in with practising certificates.

238. The IOMLS has said that it intends to introduce a formal CPD regime from October 2022. The Committee welcomed this and so do I.

239. This new regime will require a self-declaration from each advocate that they have undertaken relevant training within their practice areas. Advocates will be required to keep a written record of their relevant CPD activities and to produce this record upon request of the IOMLS’s governing Council. In its submissions to this Review, the IOMLS proposed that random spot-checks be undertaken to audit members’ compliance with these requirements.¹¹⁴

240. In the roundtable sessions with Manx advocates, I was told about the disadvantages of a “box-ticking” exercise. In general, a self-reporting regime was thought suitable for the needs of the Manx Bar. One Advocate commented:

“Because the areas in which people at the Manx Bar practise are so diverse that a one-size-fits-all continuing professional development programme would be unworkable for a Bar this size. The onus should be on the individual to ensure that they are up to speed with their individual practice areas”¹¹⁵.

241. Another Advocate said:

¹¹³ Para 84

¹¹⁴ P4

¹¹⁵ Transcript 2: 353 - 356

“I think there is some value in a proportionate self-reporting regime. I think it does focus your mind, prick your conscience, where necessary, to do the necessary”¹¹⁶.

242. One Advocate mentioned that it could be difficult to design (she said “find”) CPD directly related to Manx law¹¹⁷ and another suggested that CPD could encompass management processes:

“If you, significantly, spend most of your time running your law firm, then actually your CPD should be to ensure that you are a good manager and you are up to date on accounts rules and recruitment processes and whatever else that might be, as opposed to it specifically being, ‘This must be legal training in your field of practise.’”¹¹⁸.

243. It is fundamental that a CPD regime must be neither a mere box-ticking exercise nor a tedious annual process that practitioners have to deal with as just one more administrative inconvenience in an already busy practice. It must be targeted at the relevant areas of a practitioner’s work and capable of separating out the work of the lawyer who has no or very little client-facing exposure (because, for example, their job is to manage the firm as opposed to advising or representing clients) from those who work regularly with lay clients or in court.

244. Nothing of any value is to be gained by requiring an advocate whose practice is wholly concerned with, say, tax or trusts law, to demonstrate that they have kept themselves up to date with developments in the law of clinical negligence. Given the concerns raised about the oral advocacy skills of advocates in particular however, which might well be a necessary consequence of those in a small jurisdiction not having the same opportunities to get their ‘flying hours’ as lawyers in larger jurisdictions, **I recommend that the CPD requirements should include a compulsory advocacy requirement for advocates with a litigation practice.**

¹¹⁶ Transcript 2: 339 - 340

¹¹⁷ Transcript 2: 291

¹¹⁸ Transcript 2: 363 – 366

245. Furthermore, if the CPD regime becomes a tedious, excessively time-consuming and meaningless burden, experience in England and Wales demonstrates that it will not engender confidence in others or those subject to it. It will be circumvented and will only have to be reformed a few years down the line.
246. That said, a CPD regime that suits the environment it is intended to monitor is not only useful for the lawyers within it, since it will require practitioners to think actively and carefully about their continuing obligation to keep themselves current and informed about developments within their area of work, it will also provide the courts and the public (and the overseas market) with confidence that Manx advocates are maintaining high standards of professional competence.
247. CPD can involve a mix of remote learning and study, attendance at seminars on-Island or within an advocate's own firm given by colleagues or external speakers; it can include the giving of talks or the writing of papers and articles for others' consumption. It will need to encompass a sufficient and auditable number of hours each year to ensure it is of value to the practitioner and the public, whilst maintaining a sufficiently light touch and flexibility to prevent overload, undue cost and professional antipathy or cynicism. It will need the IOMLS to have the human and financial resources to oversee it. It is my experience that the system now used by the Bar in England and Wales has, after some less satisfactory experiences, achieved a sensible and workable balance and that it is now accepted as a necessary, if not entirely enjoyable, aspect of practice.
248. In the Isle of Man's relatively small profession, it is still possible for practitioners' reputations for excellence or otherwise to be better known within the profession and client base than in England and Wales, and possibly for an understanding of them to affect the ability of the off-Island market which takes an interest in the Isle of Man legal profession to see the jurisdiction as an attractive place to litigate or seek advice. **A sensibly gauged CPD regime can only help in maintaining high standards and attracting off-Island business. The profession must embrace such a system now rather than having others impose a less welcome system later.** I understand that as of March 2023, the IOMLS has not yet

published its new formal CPD regime. **The IOMLS should publish this as soon as possible.**

249. If the IOMLS's proposed scheme for CPD and its other reforms are accepted and are seen to be working *for the profession and the public*, rather than as doing things *to* the profession, they will answer many of the concerns highlighted by the Committee and instil that necessary public and political confidence in its integrity. As mentioned earlier, this is an area which could potentially be overseen by a Director of Studies on behalf of the IOMLS.

E. Regulation and Governance

250. The Law Society Act 1859 established the IOMLS. It is both the regulatory and representative body for Manx advocates.

251. Section 2(1) of the Advocates Act 1995 sets out its functions:

“(a) promote and encourage proper conduct among the members of the legal profession;

(b) exercise its powers for the purpose of —

(i) preventing illegal, dishonourable, or improper practices by members of the Society; and

(ii) stopping any such practice as comes to the notice of the Society;

(c) preserve and maintain the integrity and status of the legal profession;

(d) promote opportunities for the acquisition and diffusion of legal knowledge;

(e) institute programmes to encourage the publication of texts relating to and for instruction of members of the Society and others in the laws of the Island;

(f) maintain a Law Library for the use of members and others in accordance with bye-laws under section 13(2)(g);

(g) assist in and promote the reform of the law;

(h) provide means for the amicable settlement of professional differences between members of the legal profession;

(i) promote the interests of the legal profession and the interests of the public in relation to legal matters”.

252. All practising Manx advocates must be members of the Society. There is also a trainee membership for trainee advocates.

253. The highest decision making body of the IOMLS is its Council. This is comprised of nine elected members, including the President, Vice President, and an associate member (an RLP). The Attorney General is an ex officio member. The Council also has a Treasurer, who is not entitled to vote. The Council undertakes its functions on a voluntary basis.

254. The elected members are elected from and by members of the IOMLS. Thus, they are, in the main, practising members of the profession¹¹⁹.

Proxy Voting

255. Section 13 of the Advocates Act 1995 permits the Council to make bye-laws “providing for the regulation and good government of the Society and its members and its affairs”¹²⁰ and “which make such provision as may be necessary or desirable for the effective exercise of the Society’s functions and powers”¹²¹.

256. Section 13(2)(b) provides that the Council may make bye-laws:

“(b) prescribing —

- (i) the manner of electing the President and the Vice President, and the period (not exceeding 3 years) of their continuance in office;
- (ii) the manner of electing the other members of the Council;
- (iii) the manner in which any member of the Council may vacate office;
and
- (iv) the manner and time in which any vacancy, however occurring, shall be filled”.

¹¹⁹ Para 93

¹²⁰ Section 13(1)(a) of the Advocates Act 1995

¹²¹ Section 13(1)(b) of the Advocates Act 1995

257. Bye-law 26 of the Bye-Laws of the Isle of Man Society 2000 provides:

*“All questions at General Meetings shall be determined by a show of hands, unless a ballot shall be demanded by any five ordinary and/or associate members present, in which case the same shall be taken immediately. Only ordinary and associate members shall have a vote at General Meetings and each ordinary and associate member shall have one vote; associate members shall not be entitled to vote on matters relating to the professional indemnity insurance of ordinary members (unless such associate member be a member of any scheme of professional indemnity insurance operated by the Society) or amendments of bye-laws affecting only ordinary members. Any ordinary or associate member may in writing appoint any other ordinary or associate member as proxy to vote at any General Meeting of the Society. A member must lodge his or her written proxy with the Secretary General at the latest one hour before the time fixed for the General Meeting to which it relates.”*¹²²

258. The Committee *“queried whether the proxy voting system could be open to abuse, since it could allow firms to use the system to block votes”*. In its evidence to the Committee, the IOMLS acknowledged that this was a possibility, but stated that the Council was not aware that this had ever been an issue in practice¹²³.

259. As of the date of the Report, a review of the bye-laws was underway and the Committee recommended that that review ensured confidentiality and freedom of voting¹²⁴.

260. The fact that a theoretical issue has never become an issue in practice is not enough to justify doing nothing. Not only must the voting system be robust in practice, it must also be seen to be robust in theory, without the possibility of abuse, so that members of the public and the international community can have confidence in the results it produces.

¹²² <https://iomlawsociety.co.im/wp-content/uploads/2019/09/4.1-Byelaws-of-the-Isle-of-Man-Society-2000.pdf>

¹²³ Submission from Mr Juan Moore, Chief Executive Officer, IOMLS, the Report, p. 361

¹²⁴ Para 99

261. The management of the IOMLS is in reality unlikely to cause suspicion by reason of its proxy voting system, and I do not put this question at the top of any agenda relating to reform of the IOMLS but, given the dual function vested in the IOMLS as the both the regulator and representative body of the profession, and its position as part of the constitutional fabric of the Isle of Man, it would be preferable to regularise this aspect of its work. There is a public interest in the integrity of Council elections even if on a day to day basis not many people in the Isle of Man follow them. **I therefore agree with the Committee’s recommendation that the review by the IOMLS into its bye-laws should include the question of proxy voting.**

The Advocates’ Disciplinary Tribunal

262. The ADT is established under Section 15A of the Advocates Act 1976 (as amended). Section 15A(1) provides that the Tribunal shall consist of:

“(a) a chairman, who shall be an advocate, or a barrister or solicitor, of not less than 10 years’ standing appointed by the Governor;

(b) two persons nominated by the [IOMLS] Council; and

(c) two persons, not being members of Tynwald, nominated by the Isle of Man Office of Fair Trading”¹²⁵.

263. Its meetings can be held remotely. Although its membership consists of 3 lawyers and, assuming the OFT does not also nominate lawyers, 2 non-lawyers, it is independent of the IOMLS and deals with complaints relating to professional misconduct. The Lieutenant Governor of the Isle of Man has delegated responsibility for the appointment of the Chair of the ADT to the Appointments Commission¹²⁶.

¹²⁵ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1976/1976-0027/AdvocatesAct1976_1.pdf

¹²⁶ Para 101

264. Appointments to the ADT are currently open-ended¹²⁷. Public appointments in the Isle of Man and in the United Kingdom nowadays are usually age or term-limited. **I suggest that the ADT’s membership is term-limited, as discussed further below.** The current Chair is Mr P D L Scott. The persons nominated by the Council are Mr J J Callin and Mr P R Wood and the persons nominated by OFT are Mr E S Caine and Mr P Harper. I observe that there are currently no women on the ADT. I suggest that omission is corrected by the IOMLS and the OFT.

265. In order to be quorate, the Tribunal must consist of the Chair and at least one of the persons nominated by the Council and one of the persons nominated by the OFT.

266. The ADT generally deals only with matters of professional misconduct and complaints of over-charging, referred to it by the courts, that amount to professional misconduct¹²⁸. Otherwise, matters such as allegations of negligence, breaches of contract, compensation claims, or disputes over advocates’ bills or charges are outside its remit.

267. The Calcutt Review raised concerns about whether the composition of the ADT could be considered to be independent and impartial within the meaning of Article 6(1) of the European Convention on Human Rights¹²⁹. The Calcutt Review also stated that the ADT was “*over-lawyered*”¹³⁰.

268. It recommended:

“• The number of members should be reduced to three (with alternate members available where necessary);

The Chairman should not be a practising lawyer or come from a legal background;

• One of the other two members should be a practising lawyer, the other should not have a legal background;

¹²⁷ Para 101

¹²⁸ See Rule 13 of the Advocates Disciplinary Rules 2022

¹²⁹ Para 6.2

¹³⁰ Para 6.4

• *Appointments to be made for a term of five years*¹³¹.

269. In November 2022, the ADT published the Advocates Disciplinary Rules 2022, pursuant to Section 16(2) of the Advocates Act 1976¹³². Pre-existing complaints will continue to be dealt with under the previous Rules, i.e. the Advocates Disciplinary Rules 2017.

270. Rule 3(4) of the Advocates Disciplinary Rules 2022 provides:

“The Tribunal will not consider a Complaint made against an Advocate not representing the Complainant save in exceptional circumstances (such exceptional circumstances to be determined in the absolute discretion of the Tribunal)”.

271. Rule 3(5) provides:

“A Complaint may only be made against an Advocate and not a firm or partnership”.

272. The Committee recommended that the ADT should operate to the civil, not criminal, standard of proof¹³³. Rule 10(1) of the Advocates Disciplinary Rules 2022 provides:

“The Tribunal shall determine each Complaint to a civil standard of proof namely on the Balance of Probabilities”.

273. As with many other areas under review, I commend the ADT for having grasped the nettle itself and reformed certain aspects of its operation where it felt reform was appropriate. Whilst the reputational and professional consequences of an adverse ADT finding can be serious to an individual advocate as well as the

¹³¹ Para 6.4

¹³² <https://www.courts.im/media/3070/221128-advocates-disciplinary-rules-2022.pdf>

¹³³ Para 120

profession as a whole, its proceedings are closer to an inquiry than a criminal trial and the standard of proof employed should reflect that.

274. Rule 12(3) of the Advocates Disciplinary Rules 2022 provides:

“Meetings and Interlocutory Hearings shall be open only to such persons, in addition to the parties, as the Tribunal may direct”.

275. The Committee noted that the *“equivalent disciplinary tribunals for solicitors and barristers in England and Wales, Scotland, and Ireland hold their hearings in public, unless a decision has been made to hold it in private”*. It also noted that public hearings are *“standard practice in other regulated professions, such as accountancy or nursing”*. The Committee said that it saw *“no reason why Manx advocates should be the exception to this professional rule”*.

276. The Calcutt Review recommended that ADT hearings (and appeals from the ADT) should be held in public, unless it was deemed necessary in a pre-hearing assessment for the hearing to be held in private¹³⁴.

277. Whilst the IOMLS’s submissions to this Review do not deal directly with this question, they requested their submissions be read alongside evidence previously submitted to the Committee. In that evidence, the IOMLS argued against public hearings:

“All the matters being addressed at the ADT relate to the personal legal affairs of individuals. A public hearing would be an invasion of privacy, contrary to the respect for private and family life pursuant to Article 8 of the ECHR. A public hearing raises major issues as to advocate/client confidentiality and legal privilege issues. Also it would unfairly facilitate the public airing of false allegations. There are no public interest considerations in favour of public hearings”¹³⁵.

¹³⁴ Para 6.6

¹³⁵ Submission from Mr Tim Swift, President, IOMLS, the Report p. 508

278. I do not agree with the IOMLS that there are no public interest considerations in favour of public hearings. There is always a balance to be struck between an individual's ECHR Article 8 rights and another's Article 10 rights. Consideration must also be given to the fair trial provisions under Article 6. Not only is it important that justice is done and complaints are upheld or dismissed as appropriate, it is important that justice is *seen* to be done.
279. The guard against actual or apparent bias, or the public's perception that the ADT is a vehicle for lawyers to protect their own, is not just the quality of the membership, be they lawyers or non-lawyers, and their own individual and collective sense of professional propriety, but open justice. When complaints are considered in public there can be no mystery about the process, the evidence and the reason for the ADT's decision in a particular case.
280. I have no doubt that in the right case the ADT will exercise its powers to ensure that confidentiality is respected by holding all or some of the hearing in private, by anonymising the parties or witnesses, or by redacting passages in its decisions, but as a general rule the ADT's proceedings and decisions should be accessible to the public. To argue that because there may be concerns in some cases about client or other types of confidentiality all ADT hearings must be in private is to look through the wrong end of the telescope.
281. As to the IOMLS's concern that holding hearings in public will lead to the airing of false allegations, that is an argument for holding all criminal trials in private. Criminal defendants are both acquitted and convicted and the verdict is a public affirmation of the court's view of the allegation against the defendant. A public finding by the ADT exonerating the respondent advocate will counter any harm caused by the temporary airing of a false allegation. It is significant that that the members of the ADT themselves informed the Committee that they were in favour

of public hearings, “*subject to a discretion to hear a case in private in certain cases such as those involving children*”¹³⁶.

282. **There will be complaints that involve, for example, family law cases in which the need to respect confidentiality overrides the public interest in open justice but I recommend that, except where the facts or nature of the complaint require all or part of the hearing before the ADT to be held in private, the default position should be that the substantive hearings (as opposed to the interlocutory i.e. administrative or case management hearings) should be open to the public. There will of course be accommodation issues that may not make the hearings open to the public in quite the same way as in a large court room but, at very least, I suggest that the ADT’s website should publish information about, and the media should be informed of, the details of the ADT’s sittings and the nature of the complaint, including the names of the respondent advocate(s) and, if appropriate, the complainant.**

283. Many of the cases, and numerically there will not be many each year anyway, will be of no interest to anyone other than the complainant and the respondent advocate but hearings held in private, or as some might say, *in secret*, tend to create undeserved and avoidable suspicion. It is also possible, as I suggest above, to hold some parts of the hearing in private and to publish redacted or edited findings where that is necessary to protect confidentiality. In essence, it is necessary to distinguish between *what is interesting to the public* and *what is in the public interest*. Not every case before the ADT will be interesting to the public but it is in the public interest that as a general rule they be open to the public either directly or through the attendance of the media. The ADT has, pursuant to Rule 12(3) of the Advocates Disciplinary Rules 2022, the power to govern access to its proceedings and I urge it to tend towards as publicly accessible a system as possible.

¹³⁶ Letter from Mr P D L Scott, Chair of the ADT, to the Assistant Clerk of the Committee, dated 8 March 2018

284. The Public Submissions included evidence from members of the public who had brought complaints to the ADT. More than one person referenced the atmosphere they felt was created by the composition of the ADT. One member of the public described it as “*intimidating*”, whilst another stated:

“Due to the composition of the ADT panel as mandated in the Advocates Act 1976, (in practice I understand at least 3 advocates), and the fact that a complaint is about an advocate who themselves may be represented by an advocate, there are a lot of advocates in the room. The member of the public is outnumbered and overwhelmed, and I do not feel that two lay members of the panel sufficiently redress this. The sheer number of advocates in the room, to the exclusion of lay people, means that the experience feels like a closed-shop. It feels like advocates are regulating themselves, and lacks objectivity and independence”.

285. I appreciate that the ADT’s procedures and those attending have the potential to overwhelm or intimidate a member of the public unfamiliar with its work. That is a separate issue to that relating to the appearance of a closed shop favouring lawyers. First, it is necessary for ADT hearings, whilst lacking the strict formality of a senior court, to have a degree of formality. Its hearings are important and serious occasions. The ADT is a statutory body authorised by the State and its duty is to protect the public by ensuring that advocates are disciplined for professional misconduct.

286. Secondly, the members of the Tribunal and the staff assisting on the day will want to make the two parties and their witnesses as comfortable as possible in what for all of them may be a stressful experience. Manner and manners play their part; so too will the greater public familiarity of the ADT and its work that will follow greater openness and the corresponding lessening of mystery about what it does and how it does it.

287. In my judgment, and based on my experience of other professional and parliamentary disciplinary tribunals, the fact that there is a majority of lawyers available to sit on any given panel does not mean that it is bound to be biased in favour of the respondent lawyer. Members of the same profession (even where the size of the profession means that personal knowledge of the respondents is more likely than in larger jurisdictions) can be stricter assessors of their colleagues' conduct than lay members but, in any event, I am not persuaded that the current makeup of the ADT will necessarily lead to decisions being made on any other basis than a proper consideration of the evidence and the applicable professional standards relevant to the complaint.

288. Further, in a small jurisdiction where there is a limit to the number of suitable professionals available for ADT duties, it is not always possible to sustain the system with time-limited appointments. Personal integrity and a sense of professional and public duty, in addition to the usual requirements of a judicial or quasi-judicial office holder such as independence, decisiveness and the ability to sift fact from fiction, will be key characteristics of those appointed. It has not been demonstrated to me that the ADT fails in that regard.

289. That said, there would be a benefit in terms of personnel rotation and refreshing the membership through the addition of women in having, for example, members of the ADT limited to two three-year appointments and the Chair to, say, two four-year appointments. **I therefore recommend that the current membership of the ADT with over 6 years' service on 1 January 2024 be retired in order of length of service at 6 month intervals, so as to allow for the introduction of new members on rotation, and that any new appointees other than the Chair be limited to two three year terms, and that the next Chair be limited to two four year terms.**

290. The Public Submissions raised a concern that a complainant, if they wish to be legally represented, has to be represented by a Manx advocate before the ADT. That adds to the expense of the process. It may also be unnecessary. In England and

Wales, complaints of professional misconduct against barristers are prosecuted by the BSB before a Disciplinary Tribunal. The BSB does not “*act on behalf of the person who reported the concern, but as the regulator of the profession*”¹³⁷.

291. I can see merit in this approach.

292. The ADT Guidance Rules provides:

“If you are successful you may also seek all proper reasonable expenses and costs incurred by you. The Tribunal may award such sum - if any - as it thinks just in the circumstances”.

293. The complainant currently has to bear the upfront cost of bringing the complaint and the risk that not all of his costs may be recoverable if he is successful. The IOMLS in conjunction with the Attorney General’s Office should look at the system in England and Wales to see if there are lessons to be learnt from the prosecution of complaints by the profession’s regulator as opposed to the complainant. I bear in mind that with a fused regulatory and representative body and a small legal profession, the perceived closeness between the profession and the respondent as well as the cost burden on the IOMLS may prove to be a stumbling block but I certainly can see there is a public interest issue to be explored here.

294. The Attorney General and the Solicitor General are, with the courts, protectors of the public interest and **I therefore recommend that either the Law Officers themselves, or an independent advocate instructed by one of the Law Officers, as opposed to the IOMLS or, as at present, the complainant, should present complaints to the ADT.** This will ensure that the complainant is not subjected to undue personal expense when the profession, and the Island as a whole, benefits from the proper prosecution of complaints against advocates.

¹³⁷ <https://www.barstandardsboard.org.uk/about-us/how-we-regulate/the-decisions-we-take/enforcement-decisions/how-we-make-enforcement-decisions.html>

295. Some of the Public Submissions criticised the availability of information for members of the public wishing to make a complaint to the ADT. The ADT Guidance Notes themselves are informative and clearly written. They need though to be better known about and accessible to the public. **I recommend that the ADT Guidance Notes are prominently published on the IOMLS's and the ADT section of the courts' websites and that reference is made to them in firms' complaints policies so that they can be easily found by members of the public.**

296. **I disagree with the Committee's conclusion that the ADT ought to be abolished. There is room for some changes in its make-up and procedures but it would not serve the public interest to abolish it.**

Separating Regulation from Representation

297. The Committee stated that:

“There is an inherent perceived conflict of interest in the Law Society's dual role as both regulator and representative body. This conflict is exacerbated by the fact that the Council, the Law Society's highest decision-making body, is composed entirely of practising advocates”¹³⁸.

298. The Committee also pointed to the *“potential for conflict in areas such as the Litigation and Breaches Committee, which considers breaches of the practice rules and may refer matters of serious misconduct to the ADT for further examination”¹³⁹*, notwithstanding the fact that the IOMLS *“has put in place certain structures to mitigate perceived and real conflicts. For instance, the [IOMLS's] AML/CFT compliance functions are dealt with by officers, and the conciliation service is carried out by an independent mediator”¹⁴⁰.*

299. The Committee concluded:

¹³⁸ Para 129

¹³⁹ Para 131

¹⁴⁰ Para 130

“It is clear that there is still a high risk of the perception of conflict of interest whenever practising advocates are deciding how to deal with matters relating to other practising advocates. This is all the more pronounced given the relatively small size of the Manx Bar”¹⁴¹.

300. The Committee therefore recommended that the IOMLS “*should not be the representative body and the regulator*”, as such a situation is “*old-fashioned*” and “*potentially poses a reputational risk to the Isle of Man*”¹⁴². The Committee stated that the Isle of Man should adopt a similar model to England and Wales.

301. The Committee noted:

“Setting up a more independent regulatory framework will require some extra resources, whether or not the remit of an already existing body is expanded to include legal services. This should not be an argument against improving the current system of regulation. In the long term, the reputational damage caused by a regulatory framework that does not meet and maintain modern international standards of oversight will be far more costly to the Isle of Man”¹⁴³.

302. The IOMLS did not agree with the Committee’s conclusions, submitting that whilst the Council accepted that “*there are areas within the Society’s existing Practice Rules and its internal Byelaws that can and need to be modernised and improved*”, the Committee came to its conclusions “*without evidence that there is an inherent problem in the way that the current system operates*”¹⁴⁴.

303. The Council of Ministers agreed that there is “*an inherent conflict in the dual roles of regulator and representative body*” and noted that it “*would support further*

¹⁴¹ Para 131

¹⁴² Para 135

¹⁴³ Para 134

¹⁴⁴ P16

consideration of this matter” and that this matter “should be considered by the review”.

304. The Public Submissions included criticism of the lack of an equivalent to the SRA in the Isle of Man, i.e. the absence of “*an objective independent regulator of advocates to set standards and enforce compliance against the standards of the profession*”.
305. As with a number of other questions facing the Isle of Man to do with the legal profession and the work of the legal services sector, one has to consider whether the small size of the profession (and thus of the IOMLS) precludes radical amendment. In an ideal world, where the human and financial resources are available to take on largescale reform or administrative change without causing disproportionate cost to the profession or the State, one would want to see the representative and the regulatory functions of the IOMLS separated.
306. At present, the IOMLS is fortunate to have, and to have had, Presidents and Council Members who are and have been prepared to take on the responsibilities of office voluntarily and without the assistance of a large permanent staff. In addition, officers of the IOMLS have been able to rely on partners and other colleagues in their firms to fill any gaps created by their absence on IOMLS duties.
307. My current view is that I doubt that there is sufficient capacity in the Isle of Man to replicate the system currently employed in England and Wales in which the Law Society and the Bar Council are the representative bodies and the SRA and the BSB are the regulatory bodies.
308. The SRA is the independent regulatory arm of the Law Society which regulates all solicitors and most law firms in England and Wales. They take action against solicitors who do not follow its rules, for example, by taking someone’s money or acting dishonestly. The BSB regulates barristers and specialised legal services businesses in England and Wales. In addition, there is the Legal Services Board (LSB) which oversees the work of the SRA and the BSB as well as a host of other

bodies¹⁴⁵. There is a sense in some quarters that the legal profession in England and Wales is now over-regulated and questions are asked about the need for the LSB. That, however, is not a topic for this Review.

309. To illustrate the difference in scale between the legal professions in England and Wales and the Isle of Man, as at 1 April 2022 according to the LSB, the number of persons authorised to undertake reserved legal activities by their respective regulator was:

- 154,988 Solicitors with practising certificates (154,184 in 2021)
- 16,862 practising Barristers (16,912 in 2021)
- 6,935 practising members of the Chartered Institute of Legal Executives. Most Legal Executives work for Solicitors' firms, although a few work independently from Solicitors (6,914 in 2021)
- 1,520 Licensed Conveyancers in England and Wales (1,457 in 2021)
- 836 registered Trade Mark Attorneys (816 in 2021) and 2,351 United Kingdom registered Patent Attorneys (2,239 in 2021)
- 725 Notaries (731 in 2021) and 689 authorised Law Costs Draftsmen (681 in 2021)¹⁴⁶.

310. I do not consider that there is a sufficient reputational risk to the Isle of Man from the current system to justify the cost of separating the regulatory and the representative functions of the IOMLS. In order to minimise that risk, however, it is vital that immediate consideration is given to the reforms of the IOMLS and the ADT discussed in this report.

Consumer Matters and Service Complaints

¹⁴⁵ <https://legalservicesboard.org.uk/wp-content/uploads/2021/07/LSB-regulators-and-oversight-map-infographic.pdf>

¹⁴⁶ <https://legalservicesboard.org.uk/about-us/who-we-are>

311. The Committee concluded:

“While we support the provision of a conciliation service for those service complaints that can be resolved through it, we do not believe that it should be the final step for all service complaints before litigation. As the [IOMLS] has suggested, it may be beneficial to expand the conciliation service so that it includes a more formal way of resolving complaints, but we suggest that it would need to be administered separately from the [IOMLS] in order to work most effectively”¹⁴⁷.

312. I agree that the conciliation service should not be a mandatory step before litigation. In order for conciliation to work effectively, it needs willing consent from all parties. Compulsory conciliation could undermine this. I do not agree that the conciliation service needs to be administered separately from the IOMLS to work most effectively. Aside from the issue of cost and proportionality in a small jurisdiction, as previously discussed, the fact that the IOMLS provides the conciliation service does not by itself mean that there is a conflict of interest, or even a realistic perception of a conflict.

313. As pointed out by Ms Unsworth in her evidence to the Committee:

“Our conciliator is not a lawyer, he is an independent person. He is not there to advise; he is there to try and reach an amicable solution between the parties. He does not take one side over the other and he does not sit in judgement as a conciliator over the complaint that has been made”¹⁴⁸.

314. The aim of the conciliation service is to help the parties arrive at a mutually acceptable solution. The conciliator does not pass judgment. Conciliation is a voluntary process undertaken by two willing parties who have agreed to this method of resolving the dispute. This is a process that can properly remain within the

¹⁴⁷ Para 113

¹⁴⁸ Oral Evidence to the Committee, the Report, p. 84, 379 – 382

auspices of the IOMLS but it has to be accepted that it is not suitable to deal with every complaint. If a relatively minor complaint cannot be resolved through a firm's own internal system and conciliation is not acceptable, it cannot be sensible to escalate it to the ADT or to litigate it unless there is a small claims procedure.

315. Courts can usually (there are exceptions) only award damages or injunctions and it would be disproportionate to clutter up the ADT with unresolved complaints about late responses or a failure to reply to one or two emails or letters. It could be said that a failure by a firm or an advocate to deal promptly or thoroughly with a low level complaint is a matter that of itself merits going to the ADT, but I suggest that a word from a more senior lawyer in the firm or, if they get to hear of it, the President or a Council Member of the IOMLS to the errant, if busy, lawyer to persuade them to take a commercially sensible approach might prove the better course. Common sense does not have to be left behind in cases of this sort and attempting to create a rule for every situation can prove a worthless task.

316. The Public Submissions expressed concern that it is difficult to find out exactly what professional standards apply to Manx advocates.

317. The ADT Guidance Notes state:

“It is for the Tribunal to decide in each case whether the conduct of the Advocate is professional misconduct”¹⁴⁹.

318. The Committee concluded:

“While we believe that a body such as the ADT should have a degree of flexibility in how it goes about its decision-making process, it would be useful for there to be clearer guidance on this aspect of the process”¹⁵⁰.

¹⁴⁹ <https://www.courts.im/media/2519/20200918-guidance-notes-2017-amended-sept-2020.pdf>

¹⁵⁰ Para 124

319. I also note the Committee's conclusion that there "*is no easily navigable code of conduct for advocates and firms, based on a set of principles*" nor was the Committee aware of an enforcement policy setting out when and how the IOMLS would take action against an advocate or firm, but that such documents would provide "*the public and the profession with greater clarity on how to deal with cases of misconduct*"¹⁵¹.

320. I agree. The more that can be done to clarify what the profession is and does, how it operates and the standards to which it must adhere, the greater the public confidence in the profession is likely to be, and the easier it will be for advocates to know the standards to which they must adhere.

321. I recommend that a Code of Conduct for advocates is published, along with an enforcement policy for breaches of this Code. I recommend that this should include a general definition or a non-exhaustive list of examples of what constitutes 'professional misconduct', whilst not fettering the ADT's discretion to decide what does and does not constitute 'professional misconduct' in any particular case as it sees fit.

322. It is clearly preferable for complaints to be dealt with speedily and fairly to the satisfaction of both parties through a firm's internal complaints system. As often as not a complainant will require no more than an explanation in plain English about, for example, why the case was lost, why their own or the other side's letters or emails were not responded to on time, or why the matter had to be conducted in a particular way.

323. If an advocate has been condescending, rude or distant a written apology can go a long way to draw the sting of the complaint and salve the client's understandable annoyance. Of course, there will be a few matters where professional indemnity insurers become involved, in which case the complaint's resolution can be delayed and the distress of the complainant increased. With common sense and goodwill

¹⁵¹ Para 127

however, it is usually possible for an agreeable settlement to be reached. Resolution without escalation, litigation, undue expense and/or delay is the goal.

324. I have no doubt that commercial and professional good sense will have a positive influence on advocates and their firms in most cases, but the IOMLS has an interest in providing, promoting, and making public relevant complaint handling and resolution training. It also has an interest in making sure that the public knows about this aspect of its work. Improvements to its workings carried out in private will have some value, but unless the IOMLS tells the people of the Isle of Man and its domestic and international client base what it intends and what it has achieved in this regard, it may as well not have done anything.

325. **I therefore recommend that the President of the IOMLS produces an annual report (which must be a publicly available document) at the beginning of the legal year, in which particular reference is made to any changes of note to its workings and which details all ADT cases heard in the previous year.** The section on changes of note should include, for example, amendments to its Code of Conduct and/or amendments to its regulations and professional requirements not only with regard to training on complaint handling, but also with regard to the new regime for CPD and the certification and requalification process for overseas-qualified lawyers.

326. It is no longer appropriate for the legal or any other profession to operate in the dark. How it governs itself and its members, how it handles client complaints and how it relates to the public it serves (and not just its clients) are all matters that the Isle of Man's legal profession must be open about. The days when any profession can afford to give the impression that it is interested primarily in itself are long over. There will of course be complaints that are wholly without merit. They are never easy to deal with especially where the complainant is irrational, but that is when a lawyer's soft skills, perhaps with the assistance of the IOMLS's conciliation service, or a lawyer or third party external to the dispute, can assist.

327. **I recommend that each firm should have on its website and in hard copy form available to its clients and potential clients an engagement letter explaining the relationship and terms of the contract between the client and**

the firm. Each firm should also have an understandable and accessible internal complaints system in place which should be published on their website and/or other publicly available sites, alongside the numbers and types of complaints they have received and how they have been resolved. Single practitioner or small firms should make an arrangement with another firm to handle client complaints.

328. Finally, I note that the Committee stated that there was a “pressing case for appointing a Minister for Justice at the earliest opportunity”¹⁵². In my opinion, Government architecture and who fills which ministerial post are highly political questions most appropriately reserved to the Chief Minister of the Isle of Man. It is not just a question of political HR and balancing the available talent or skill sets of the administration from a small pool, but of government expenditure and of public and political policy priorities.

329. Those are matters that should be left to elected politicians who can, through their intimate knowledge of the community and its social and other needs and desires, form a view of what is most suitable in the prevailing or anticipated circumstances. In my view, questions of how best and where to deploy the resources of the state and whether there should be a separate Department of Justice with its own Minister are best answered by elected politicians.

F. Conclusions

330. I make the following recommendations:

1. A degree ought not to be a necessary requirement for becoming an advocate in the Isle of Man so long as a robust system of legal education and training is in place.
2. The Deemsters and the IOMLS, as well as the Committee, individual practitioners, and Isle of Man law firms, should closely monitor the progress of the new SQE and apprenticeship systems in England and

¹⁵² Para 137

Wales with a view to reconsidering in two years' time the requirements for entry to the profession as set out in Paragraph 5 of the 2022 Regulations.

3. The new system of assessment for trainee advocates implemented by the 2022 Regulations should be kept under review and considered again in two years' time so that its success or otherwise can be measured.
4. Barristers/advocates appearing on TALs should be invited where possible to take part in training sessions for trainee advocates or new practitioners so that good use can be made of their time whilst in the Isle of Man.
5. There needs to be a Director of Legal Studies in the Isle of Man, perhaps an office holder within the IOMLS, who can monitor and guide trainee advocates as they progress through their studies towards their Bar examinations and beyond.
6. The Isle of Man judiciary should try to attend the training and other judicial studies available to both full-time and part-time judges in England and Wales.
7. The Bar examinations should be reformed to ensure that entrance to and participation in the Isle of Man's legal profession should not be seen as equivalent to membership of a small exclusive club open only to those with the finances and professional connections to allow them to navigate the examination system.
8. The Bar examinations ought to focus on the law of the Isle of Man.
9. The syllabus for the Bar examinations needs to focus predominantly on Manx law and practice, whilst recognising that in any given case or legal problem to be solved, there will or may be similar or identical laws and

practices in England and Wales, Scotland, Northern Ireland or Ireland that will need to be considered.

10. The syllabus for the Bar examinations should go into far more detail than it currently does.
11. A detailed syllabus should be published every year, similar to that in England and Wales and Ireland.
12. The system of marking and grading the Bar examinations should be more transparent so that candidates for the Bar can know what is expected of them.
13. The prompt and accurate updating of secondary legislation should be a priority for the Government, to ensure that advocates and litigants in person can access the correct version of the relevant legislation at any given time.
14. The IOMLS and the designers of the course at the Institute of Law Jersey should consider how the current lack of resources for trainee advocates can best be remedied, either by way of textbooks or otherwise.
15. The Guidance for applying for a TAL should be kept under careful review to ensure that it covers each ground of application and that it is accessible to the public, including those who are not aware what a TAL is.
16. Advocates, when approached by someone with a claim in respect of which that advocate is unable to act for one of the reasons set out in Section 17 of the Advocates Act, should direct members of the public to the Guidance for applying for a TAL.

17. The Isle of Man's judges should remain the primary and statutory point of control over who may or may not appear before them and, whereas the use of TALs can be in the interests of justice, because it adds value to a particular case through the use of experience and expertise that is not available in the Isle of Man or it overcomes genuine problems of conflict within a small profession, it should not become the default position whenever an apparently difficult case or professional inconvenience emerges.
18. A workable requalification system should be introduced that caters for both the experienced and less experienced overseas entrant with, say, 10 years' post-qualification experience providing the boundary between the need for requalification and some acceptable form of approval.
19. The Isle of Man should adopt the definitions in Part 3 of the UK's Legal Services Act 2007.
20. The profession must embrace CPD now rather than waiting for others to impose a less welcome system later. The IOMLS should publish its new CPD regime as soon as possible.
21. CPD requirements for advocates with a litigation practice should include a compulsory advocacy requirement.
22. The IOMLS should actively review its proxy voting system.
23. Except where the facts or nature of the complaint require all or part of the hearing before the ADT to be held in private, the default position should be that the substantive hearings (as opposed to the interlocutory i.e. administrative or case management hearings) should be open to the public. At the very least, the ADT's website should publish information about, and the media should be informed of, the details of the ADT's sittings and the nature of the complaint.

24. Either the Law Officers themselves, or an independent advocate instructed by one of the Law Officers, as opposed to the IOMLS or, as at present, the complainant, should present complaints to the ADT.
25. The ADT Guidance Notes should be prominently published on the IOMLS's and the ADT section of the courts' websites. Reference to this Guidance should be made in firms' complaints policies so that it can be easily found if needed by members of the public.
26. The make-up and procedures of the ADT should be reformed but it should not be abolished. Appointments should be time-limited. The current membership of the ADT with over 6 years' service on 1 January 2024 should be retired in order of length of service at 6 month intervals, so as to allow for the introduction of new members on rotation. Any new appointees other than the Chair should be limited to two three year terms, and that the next Chair be limited to two four year terms.
27. The reputational risk to the Isle of Man from the current system is not sufficient to justify the cost of separating the regulatory and the representative functions of the IOMLS. In order to minimise any risk, immediate consideration should be given to the reforms of the IOMLS and the ADT discussed in this Review.
28. A Code of Conduct for advocates should be published, along with an enforcement policy for breaches of this Code. This should include a general definition or a non-exhaustive list of examples of what constitutes 'professional misconduct', whilst not fettering the ADT's discretion to decide what does and does not constitute 'professional misconduct' in any particular case as it sees fit.
29. The President of the IOMLS should produce an annual report (which must be a publicly available document) at the beginning of the legal year, in which particular reference is made to any changes of note to its workings and which details all ADT cases heard in the previous year.

30. Each firm should have on its website and in hard copy form available to its clients and potential clients an engagement letter explaining the relationship and terms of the contract between the client and the firm.
31. Each firm should have an understandable and accessible internal complaints system in place which should be published on their website and/or other publicly available sites, alongside the numbers and types of complaints they have received and how they have been resolved.
32. Single practitioner or small firms should make an arrangement with another firm to handle client complaints.

Review of Legal Services in the Isle of Man

IN PRIVATE SESSION

Chair: The Rt Hon the Lord Garnier QC

Assisted by: Samantha O'Brien O'Reilly, Barrister

Session 1

Thursday, 28th July 2022

Legislative Council Chamber,
Douglas
Isle of Man

Domestic Law

EVIDENCE FROM

Ms Aalish Hannan, Advocate/Director, Hannan Law;

Ms Nadine Roberts, Advocate, Corlett Bolton & Co;

Mr Mark Humphrey, Director, Humphrey & Helfrich;

Mr Josh Quinn, Associate, M&P Legal; and

Mr Steve Wood, Director, Wood Law

Lord Garnier: Good morning, thank you all very much indeed for coming. I know you are all very busy practitioners who have got better things to do than talk to me. But as you will know, I have been appointed by the Minister to conduct a review into the report of the Select Committee which has gone to Government and then the Government have asked us to deal with this.

We have been here once before, in May, where we met Kathryn Clough, the President of the Law Society, we have met the Chief Minister, we have met the Minister, obviously, and we have had discussions with Dan Davies, the chief civil servant in that Department who is our instructing solicitor for these purposes, with a view to scoping out the way in which we want to deal with this inquiry.

The one thing I wanted to make clear then and I will make clear again now – and perhaps I will do this sitting down! – is that I do not see the legal system of the Isle of Man as ‘the defendant’. My coming along with Samantha O’Brien O’Reilly, who is a junior in my Chambers, is to see what is here, to see if there are any gaps in the system which might be properly filled; and if there are I would love your advice about how to fill those gaps, to see what is good, to try and assess in my own mind the importance of the legal services economy to the economy as a whole of the Isle of Man and how it flows from those who practise wholly within the Isle of Man as Manx lawyers and those who come in from outside as holders of temporary licences or as ‘in and out’ people.

And then, having done that, look at, for example, the way in which lawyers come in to the profession from the Isle of Man but also from outside, through universities, through law schools and so forth.

How the profession disciplines itself and maintains high standards necessary for the integrity of the legal profession as a whole but also to give confidence to the public that if they employ a lawyer in this jurisdiction they can be guaranteed, as best as humanly possible, that the people that they are dealing with are straight, honest, and if they make a mistake will put their hands up and say, ‘Well, we can correct this internally or across the profession without you having to sue the pants off us.’

Then also perhaps to do some sort of comparison between other similar, not identical, jurisdictions, such as Jersey, Guernsey and possibly Gibraltar, but I am not sure about that yet. Jersey interests me because they have their own college of law which I think you borrow or make use of when you are training up young lawyers and so forth.

The other given, it seems to me, is that the Isle of Man must remain a strong, independent, separate jurisdiction. I do not come here as a person visiting a branch of the Liverpool District Registry, I come into a separate jurisdiction which has much in common with England, Wales, Scotland and Northern Ireland. As it happens, Samantha is not only an English barrister but also a Dublin barrister as well. So, yes, each jurisdiction is different but they will have many things in common, not least amongst us as practitioners a real desire to make sure that we do well, personally obviously, but also for our colleagues and for our profession as a whole.

And so I have come to shine a light on things, I have not come with a pick axe, I have not come with a deliberately critical, ‘Let’s smash this up and start again’ view. I want to produce a report, I

hope by the end of this calendar year, which will enable the Isle of Man to move on feeling very proud, as it should do, of its legal services sector, which does a lot of good both inside the legal system but also through providing a lot of money to the benefit of the public good. I mean, without your work and therefore your taxes – and I am very jealous of your tax rates – there would not be hospitals, there would not be a fire service, there would not be doctors, there would not be schools, there would not be roads and all the other public services that perhaps people take for granted. It seems to me that if we come to this discussion from that angle you could help us produce something which is useful for the Isle of Man at the end of the year.

So, that having been said, and I am sorry to have waffled on, I do not know what sort of time each of you has got to assist us. But if you have got clients or cases to get on with and you have to go in and out or just go, please do not feel that this is a court, it is not a court, it is a conversation, and if you have to leave, just leave, and I shall wave.

If you have got things that you want to send in in writing, my email is available: egarnier@4pumpcourt.com. But you can get it from Kathryn Clough or Daniel Davies at any stage.

I see on my timetable we are here until about 10.50 but again, that is just an envelope and if we finish, we finish, and if you have got more to say I will stay a bit longer and if you have got more to say you would rather say in writing, again, please do that.

The other thing, I am going to treat this as an utterly informal meeting, so if you want to take your coats or jackets off, please do so, because it is quite warm in here. That is code for I want to take mine off! I will remember to put my telephone on silent.

[REDACTED]: Do you mind if I move that water bottle down? From where I am sat all I can see is the water bottle.

Q1. Lord Garnier: I was going to do that, if anyone would like some? That is also code for I would like some!

Probably the easiest thing just to start with is if we just go round the room and introduce ourselves. Shall I start with you, Steve?

Mr Wood: Yes, sir. My name is Stephen Wood, I own and run Wood Law. It is a single member practice. I set it up about eight years ago and 95% of the work I do is legal aid criminal work.

Q2. Lord Garnier: And forgive me for asking daft laddie questions but are you a Manxman? Have you grown up on the Island or are you an incomer who has set up a practice here?

Mr Wood: I am proud to be a Manxman. My parents came over here, I was born here. My dad was an advocate here and I have followed suit.

Q3. Lord Garnier: Thank you.
So you have been in practice on your own for eight or nine years you say?

Mr Wood: Yes, eight years.

Q4. Lord Garnier: And then prior to that were you in another firm?

Mr Wood: Yes, prior to that I was a partner in a local firm.

Q5. Lord Garnier: And again, forgive me if I missed it, do you specialise in a particular area of practice?

Mr Wood: In the main, criminal legal aid work, a smattering of adult mental health and a smattering of child care.

95 **Q6. Lord Garnier:** So if you are going to court you would be in front of the Deemster...?

Mr Wood: Deemsters, High Bailiffs, Deputy High Bailiffs, yes, magistrates.

100 **Q7. Lord Garnier:** Thank you.
Josh.

Mr Quinn: Good morning, sir.

105 Joshua Quinn, I work at M&P Legal. I am a civil litigator. I am a proud Manxman, I have been here all my life but I went away and I qualified as a UK, English solicitor, spent five years over there doing that, two years PQE. I then returned here back to the Island. I have requalified as a Manx advocate, I think that was about March 2018.

I now work at M&P Legal and I have got a mixed bag of general litigation, personal injury, property litigation, employment litigation, both private and legal aid funded. I appear before the High Court Summary and Ordinary Procedures quite regularly.

110 **Q8. Lord Garnier:** And with regard to the size of your firm, M&P Legal, are you a multi-partnered firm?

Mr Quinn: There are two partners in our law firm, I am not one of them, and I think from recollection there are about nine litigators.

115 **Q9. Lord Garnier:** With the usual ancillary staff?

Mr Quinn: Yes.

120 **Q10. Lord Garnier:** Mark.

Mr Humphrey: Morning, Mark Humphrey. My firm is Humphrey & Helfrich. It is a two-partnered firm, which was started in 2009.

125 I went to university and the College of Law in the UK before I came back to the Island and qualified as a Manx advocate with the firm that was Dickinson Cruickshank, it has now since changed to Appleby Global.

130 My practice is a general practice, the only things we do not do really are family law and criminal law. Personally, I tend to do more non-contentious work. I do get drawn into the odd bit of litigation but my area is property and private client.

Q11. Lord Garnier: And again, there is obviously Mr Humphrey and Mr Helfrich, who are the partners of the firm. (**Mr Humphrey:** That is right.) But would you have employed lawyers or youngsters working in your firm alongside you?

135 **Mr Humphrey:** Yes, everybody is starting to seem like a youngster at the moment! But we have about 25 members of staff, probably about 10 qualified solicitors or advocates.

Q12. Lord Garnier: Thank you.
Nadine.

140 **Ms Roberts:** Morning, I am Nadine Roberts. I am a Director of Corlett Bolton & Co, advocates. We have three offices on the Island: an office in Douglas and then two offices in Peel and Port St Mary. We employ around 30 staff, about nine fee earners. Some of those are conveyancing so they are not fully qualified advocates but experienced conveyancers.

145 My route to becoming an advocate was fairly traditional. I had my primary and secondary education here on the Isle of Man, I then went to the University of Wales, Aberystwyth, for my LLB, then I went to the College of Law, Guildford for my LPC. Then I trained under Sammy Bolton at Corlett Bolton, through my articles and I was a Director in Corlett Bolton from about 2017.

150 **Q13. Lord Garnier:** Thank you.

150

[REDACTED]
[REDACTED]: Hello, my name [REDACTED], I am an advocate at [REDACTED]
[REDACTED]

150

160 In terms of my route of qualification, I did a non-law degree. I then did the GDL, the BVC as it then was, I know it has changed names now. I did pupillage in London. I was then a tenant in a chambers in London for about eight years. Then I moved to the Isle of Man, I did my articles at Appleby, it was the shorter period of articles for those that were already qualified, of 12 months. I took the Manx Bar and I am now a qualified Manx advocate. I retain my practising certificate in England and Wales, so I am dual qualified.

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165 **Lord Garnier:** Right.

165

Aalish, I hope I have pronounced your name correctly.

170 **Ms Hannan:** Yes, you have. Aalish Hannan, I am a director of Hannan Law. The same route as many of them here: educated on the Island, my mother is Manx, my father refers to himself as a 'brought over'. I went to school here, went to university across, I went to the College of Law in Chester, called to the Manx Bar in 2000. I was then a trainee at a firm where I became a partner in 2004. I left that practice in 2012 and set up my own practice. We are at nearly 10 years. I am the only Director. I have one, two, three, four – six, I have to count because ... I will explain, six fee earners as well as me but numerous part-time staff. So in total we have 13 staff, only about five of which are full time, by choice. I employ a lot of women and there are very flexible working hours. So that is Hannan Law.

175

Predominantly we do family law with some criminal care proceedings, personal injury, clinical negligence, wills and probates, so kind of general practice, but not property.

180 **Q14. Lord Garnier:** Okay, that is very helpful, thank you very much indeed.

180

Would it be fair to say that the six of you are reasonably representative of the Isle of Man legal profession? (**A witness:** Yes.) Insofar as you are Manx qualified, you are Manx practitioners and not brought in – the London, the Liverpool or the Edinburgh lawyers who come in, do a case and go away again? You are here all the time providing a service to your community one way or the other.

185

Subject to anything you would like to say further, I was going to try and deal with this in chunks. So legal education, continuous professional development, practice rules; are they relevant, up-to-date, appropriate; and what I would call the regulated non-legal bit of the legal sector, so that is people like will writers and other non-legal providers of some sort of advice, immigration, for example. Certainly in England there is a group of people who give what I would call unqualified advice to immigration clients, which can lead to problems, and I do not know whether that is something that is of interest to you.

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195 What do you do about complaints? Of course, none of us ever gets a complaint, but in the unlikely event that your firm has a dissatisfied client, how do you deal with it? And do you think that the profession as a whole, quite apart from your individual firms, is dealing with these matters in the most effective and publicly attractive and acceptable way?

And then perhaps we will briefly touch on Temporary Advocates Licences (TALs) and matters of that sort, so that I can get an understanding of how you relate to the brought ins, and the people doing the offshore work and so forth.

200 If at any stage during the course of those discussions, you want to tell me about how you mix your office work as a lawyer with your advocacy work as a lawyer, because you are a fused profession and how that works, not only from your own point of view, but for the benefit of the client base that you serve, perhaps we could discuss that as well.

205 Does that seem a broadly reasonable way to approach this? And if you have got other matters that you want to bring up, please do not hesitate to do so at any order, because thanks to the recording system we are not going to have to take a copious handwritten note of this.

210 Could I begin then with the education of people wanting to come into the legal profession in the Isle of Man. Now, some of you have had dual training, that is to say you have done your Manx law training, but you have also been trained in England. Could I ask, for those people in the Isle of Man who want to be Isle of Man lawyers, is the current system of getting them from high school through university or directly into the profession without going to university, if that is professionally permissible, is that working? Is it a trusted, trusted both by the public but also by the people already in the profession so that when you are interviewing incomers – I do not mean incomers in the brought in sense but young entrants into the profession – are you, as employers looking at new entrants, satisfied with the way in which they have achieved their qualifications as Isle of Man lawyers? And again, can I start with you Steve?

Mr Wood: Of course. Your question is perhaps better directed at somebody from a bigger practice (**Lord Garnier:** Right.) but, in my experience, I took on a trainee last year, my first, with a view to providing continuity effectively in the long term for my practice and for the area of law that I do specifically, because those willing to come through and undertake legal aid work are perhaps thinning in number, for various reasons. But in terms of the trainee that I have taken on, I am content with the manner in which she has reached my door, so to speak.

225 **Q15. Lord Garnier:** And they will have come from school here and are they a graduate or a non-graduate?

Mr Wood: Locally educated initially, then university education across, followed by doing pupillage in London.

230 **Q16. Lord Garnier:** Yes, and you can see that person building up to being a useful member of your firm?

Mr Wood: Absolutely. There are areas that need work, as I am sure is in every case and there are other areas where my trainee absolutely excels, she is brilliant.

235 **Q17. Lord Garnier:** From your point of view, dealing with this particular case, are you able to point to bits of the system which could be improved, must be improved, or are you reasonably happy with the product that comes out of the legal education system, as far as you are concerned?

240 **Mr Wood:** I do not think we necessarily as advocates become fully fledged for a significant period of time, even after post-qualification. I think it takes time to mature into the profession and the role, and as long as there is the guidance and support provided by the firm in which that

young and developing advocate is training, and then a young advocate is coming through, and I am satisfied with that.

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Q18. Lord Garnier: Thank you.

Josh, could I take you through the same ...?

Mr Quinn: Yes, I can talk of my own experiences. I was educated here on the Isle of Man and I left the Island when I was 18 to go off and do my degree. I did not do a law degree, I did an environmental geosciences degree, then decided I wanted to become a lawyer and did the traditional GDL before then completing my LPC, so all in all that is about five years' worth of higher education, before then going off and securing a training contract and two and a half years later becoming a solicitor.

255 I think there are two routes, obviously: education on the Isle of Man, the local home-grown graduate who goes off to university, does either a qualifying law degree or a degree followed by conversion course and then comes back to the Island having completed some form of professional training, either the LPC or PPTC, and then entering into a training contract here on the Isle of Man.

260 I think as a Bar we are quite fortunate that other members of the Bar are prepared to give up time to help run courses and help people understand the differences between going off and doing an English law degree, for example, and the nuances of Manx law. There are nuances of Manx law, in particular in property law and company law.

265 The education system is clearly under review and has been altered. I think the Law Society have contacted the Jersey Law Institute and are in the process of altering that, and I think that is partly in reaction to the fact that the LPC will no longer be offered in the UK after a certain date. I personally do not think that those of us who have done the old route are in any way ... I think we were all set up and we all had good education and we were able to enter the profession equipped with the skills necessary. But, as Steve pointed out, you are always learning in this job. As a profession I think we do come together and do support each other, perhaps more so than ... there is a bit more of a paternity here than there is in the UK; I know Steve, Steve knows me, perhaps that would not have happened where I was working in Tunbridge Wells, I may not have known all the solicitors next door.

270 I think the one thing that the Law Society did identify when they were going through the review of the education was not only did we need to start bringing in the practice skills that were going to be lost in the LPC through the new SQE routes which they have identified and I think are being brought in, obviously we have not seen the new exams, etc. but I do think that hopefully that will deliver, it may take a bit of bedding in time but I am confident that we can deliver that as a society because we will pull together.

280 I think we are getting there on the education, it is under review, and I think the problems that we did have, the one thing that was identified was that the syllabus was perhaps a little ambiguous because it was 'learn Manx law' and there is quite a lot of it! And I think they have, not watered that down, but they have given a bit more of a working structure so that a pupil can get through it.

285 I know on the Isle of Man that there is means-tested grants to assist people to go off to university so that there is also an access point to helping those on lower incomes access the profession. So I do not think it is in a bad state.

Q19. Lord Garnier: Right, okay. I will perhaps come back to the SQE discussion, which I think is ongoing on the Island at the minute.

290 Mark, are you able to provide anything different or other nuances to the education question?

Mr Humphrey: No, I do not think so really. As far as I am concerned our trainees have all come through that route, it is really the only route that is available at present, you have got to have a

295 degree and you have got to have your practising qualification. Obviously trainees are going to be of different calibres, as they are anywhere.

I suppose – and it would be interesting to hear Steve’s views on this – Steve’s firm and mine collaborate in terms of the training of our trainees because, as Josh has said, the whole of the syllabus is Manx law effectively. My firm does not practise criminal law, which is one of the core papers in the Manx Bar exams, so we exchange trainees to give them a little bit of experience of criminal law and we give his trainee a little bit of experience of the other areas that our firm practices in but his does not. So I think it does work like that but I am aware there are discussions relating to whether the Bar exams could be more focused in terms of the areas which are examined for those people who do not *want* to practise in the other areas.

300 Steve, would you want the exams to be more refined? So for your trainee that she would only do criminal law, for example?

Mr Wood: No, because I feel that young people coming into the profession, they should have a broad base of legal experience and education so that ultimately they have the ability to choose a direction later on if they want or wish to pursue a different course. I mean simply because my trainee is gaining experience with me in criminal work, I would not wish that to tie her hands later on if she chose to go elsewhere.

Mr Humphrey: Yes, I agree with that. I think the more general and the broader experience we can give our trainees the better advocates they will be as they develop.

315 **Q20. Lord Garnier:** Yes, is it fair to say that even if you only practice or predominately practise in the criminal law, you may well have a client who comes in who does not know how to describe their problem or what the issue is and you through your criminal experience, you through your civil experience, may be able to say, ‘Well, you have been the victim of a crime,’ or, ‘You may well have committed a crime,’ or, ‘You may have been the victim of a civil wrong,’ or whatever it may be, but I can assist you because I have learnt a bit of criminal law way back or I have learnt a bit of property law or whatever it may be way back, and although I am not a current expert in this, I can give you a wider general piece of advice but if you want to get into the detail of it go round the corner and see Mark or vice versa. So I think it is reasonably essential that when you are starting, you need to know a bit about every bit of chemistry not just about a limited area of medicine.

Mr Humphrey: Yes, I agree entirely, but it brings into question the training. We address it by collaborating but does every other firm? I do not know the answer to that.

330 **Q21. Lord Garnier:** Now, Nadine, you are in a slightly bigger firm, I think it is fair to say, with three offices across the territory?

Ms Roberts: Slightly bigger in the number of employees, I am not so sure if we have a lot more in terms of work than Mark. Ours tends to be servicing the local community so it is a lot of conveyancing work, wills, probates, enduring powers of attorney, mental health receiverships. I am a litigator so I deal with litigation but we are very much a high street firm dealing with...

Q22. Lord Garnier: Of a sort that you could see in Tunbridge Wells or in Market Harborough or anywhere.

340 **Ms Roberts:** Yes. And so from an employer’s perspective, when it comes to the training, the current system is very good in that it provides that foundation. So on entry level there is a level of understanding as to what that person’s skill set is, without the GDL or a law degree or the LPC, it would be very difficult as an employer to know what understanding they have of just basic legal

concepts and it is whether or not a firm of our size or a smaller firm would have the resources to educate on those core foundation topics. I think that is why the current system works well with the training through the LPC or the BVC and then we build on top of that with the Manx Bar exams.

350 Also, there is a difference, as Mark has already identified, in the way that legal firms provide training. Some of the larger firms will actually have seats where a student will sit and they will train in a particular department for a number of months, whereas a firm of our size that is very much hands-on from the get-go, you do not have to do the Manx Bar exams straight away, so potentially you have got somebody coming in who has not had any training on the foundations who may be having a client-facing role a lot earlier than some of the larger firms, so it does give
355 some comfort that they do have that basic understanding.

Q23. Lord Garnier: So you learn by doing but are you doing it under the supervision of a principal?

360 **Ms Roberts:** Yes.

Q24. Lord Garnier: Appleby's is obviously by order of magnitude quite a bit bigger than –

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[REDACTED]
The trainees that we have do the seats that Nadine mentioned, so they will do a seat in corporate, they will do a seat in litigation and they get experiences of both sides of the business.

370

I think that all the trainees, certainly while I have been there, have come through the traditional route, so have either done a law degree and one of the vocational courses, normally the LPC or a non-law degree, the conversion course and the LPC. I do not think while I have been there, which has only been four years, there is anybody that has done the BVC, but of course that is a route that is open. The way that it works currently is essentially you get the foundation in England because there is sufficient similarity whereby the English vocational courses will give you a sufficient foundation for you then to come over, learn during your period of articles the distinctions between the two jurisdictions, and obviously some of the skills that you would have learnt in your training contract while you were in the UK, but specific to Manx law.

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Obviously there is room for improvement, there always is in any given educational system, I do not doubt that, but it does seem to work. I think the calibre of the trainees, certainly that I have had interaction with, has been good.

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Q25. Lord Garnier: I do not think you are suggesting that you can just muddle along ([REDACTED] No, certainly not.) and when you say there is room for improvement, could you identify one or two areas where you think that improvement might come?

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[REDACTED] I think potentially because people tend at the moment to come through the LPC route and then the Manx Bar is a series of four written papers, as it currently stands, there is not any advocacy training on a formal basis, so the Law Society does organise advocacy training events etc. Whereas if you took the BVC route, obviously it is only a foundation, it is a starting point, you have to develop your own skill as an advocate over a period of time, but there is not the formal advocacy training. I did not do the LPC but I understand it is quite limited and given this is a fused profession it does seem to me that perhaps there is ... need is probably putting it too highly, but perhaps improvement could be made by building some sort of formal advocacy training into the education syllabus.

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Q26. Lord Garnier: Would you get that from people like Steve, who is probably in court most days, are you? (**Mr Wood:** Yes.) Or would you bring people in from other firms to help with civil advocacy? I just think one of the things, and it is no good trying to impose my ... I mean, I did this

training 45 years ago so everything is out of date, but learning, for example, the things that are not written down; essentially, not to be a professional cheat, not to cut corners or because it is convenient, so learning the morality of work within a profession, the things which are proper. Some of that will rub off, but how would someone in your firm learn the criminal advocacy skills that Steve has? You may say it does not matter because they are not going to do a criminal advocacy case but they may well come across a corporate manslaughter case, they may come across some sort of corporate criminal behaviour. How would you get out of Steve's lawyer's head the sort of stuff that your civil lawyers might not need every day but might just need to know?

██████: I understand that at the beginning of somebody's ... certainly when I was doing the Manx Bar there were training opportunities provided by the Law Society. So notwithstanding that you were not in a firm that did criminal law, you could spend some time with a duty advocate, I think, and see what happened at the police station. You could, and I actually did, go and sit in the criminal courts and watch what was happening. You could, and I did, go to a number of lectures on criminal law from somebody who practised day-to-day in criminal cases. There were a variety of educational opportunities that were provided to students, certainly when I sat the Manx Bar, outside of the firm in which you practised. I do not think attendance at those various opportunities was compulsory but it was very strongly encouraged, both from within the firms everybody was working at and by the Law Society and in my experience people did attend. Certainly I attended, even though I do not practice in criminal law and have no intention of practicing in criminal law, but I understood that it was an expectation of both my firm and the Law Society that I would attend and I would have shown that I had tried to obtain experience, so I suppose currently that is the way that it is done.

Q27. Lord Garnier: Before I come to Aalish, Steve did you want to...?

Mr Wood: Yes, if I may chime in and apologies to Aalish who you are coming to next. On the Isle of Man we have an excellent call duty advocate system and a police station duty advocate system, and the criminal Bar all take our turns on the rotas for those two systems, or the majority of us do. We are regularly at court dealing with day-to-day matters under that system for free, to assist those who find themselves as court users or police station users, for want of a better expression.

I am contacted often by other firms who ask for their trainees to come along and sit in with me during those client interactions, during addresses to the court and the like. I think it is important because we are a small jurisdiction that therefore allows for a closely integrated and networked Manx Bar, Manx criminal Bar in my situation, it allows for very close co-operation between all firms. None of my associates in the Bar, my colleagues in the Bar, I do not think would feel that they could not pick up the phone to me and say, 'Look, I have got a trainee, please can they shadow you for a bit?' 'Of course come along, that is fine, you can come along and see what I do', and I would be proud to show them what I do. Whether they ultimately go on and practise in my field, probably not, but they at least would have the opportunity for having that experience.

Q28. Lord Garnier: Again, my experience is not necessarily useful, but I was talking to a now retired, former commercial barrister in London who became a commercial court judge, went to the Court of Appeal, now retired, but he said that the thing that used to frustrate him as a commercial judge dealing with a lot of paper-based evidence, but nonetheless witnesses would be tendered on the basis of their statements, he said these very clever commercial barristers were very good at examining a cheat and were not too bad at cross examining, but the one thing that they were hopeless at was re-examining because they thought it was another opportunity to canter through everything that they had heard before. And he said every commercial lawyer at the Bar in London ought to spend six months in a criminal set of chambers learning how to behave in a court, learning how to be an adversarial advocate rather than just typing and writing and

450 handing in written skeleton arguments. Now, that is not practical, and this is a much smaller jurisdiction, you have got fewer teachers, you have got fewer students, you have got fewer young lawyers to make that even a practical possibility. But it seems to me that, informally, you have an answer here in that you can borrow him and he can borrow you, so long as that friendship, professional collegiality exists.

455 [REDACTED]: It probably exists in the Isle of Man more than it does – and I can only compare to the UK because it is the only place I have been – but certainly trainee solicitors who are practising in say Magic Circle firms in London, will not have any experience of criminal law or the way that criminal law works. I think opportunities to see a broader spectrum of work are enhanced to some extent by the fact that it is a small jurisdiction and by the interaction between the small law firms that are here. Because big law firms in London very early on, as I understand it, decide what area of law you are doing, obviously within a range, but it is civil or it is criminal and there is not much cross over.

460
465 But I also think it is probably true to say, and Steve will correct me if I am wrong, that there is a bit of a distinction between civil lawyers and criminal lawyers over here. You do not often see people crossing between civil and criminal law, do you think that is fair?

Mr Wood: No, the criminal Bar is significantly smaller than those practising in civil arenas.

470 **Q29. Lord Garnier:** Aalish.

Ms Hannan: I think the current traditional route appears to work. I have had a number of trainees over the years, and again I was sitting here trying to count the number of trainees who have all gone on, bar one, to bigger and better things! But they have come the traditional route: they have come through university, they have done either – I did the conversion – the conversion or the LPC and then arrived here and done the Manx Bar and the training contract.

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480 My training contract was 20-plus years ago, and I was very lucky in that the firm I worked with did a lot of litigation, criminal and family, and my training was predominantly going to court. I knew that was where I would end up, I knew that was where my role would be and so, whilst there was client contact and work in the office, if there was a case in court you went to court and you sat and you watched, and that is how you learnt your skills, by watching.

There is the opportunity for advocacy. The education committee and the Deemsters are very good at offering opportunities for trainees to go and to present cases or run trials and more senior advocates get involved and assist with that.

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490 When I was a trainee we also started an opportunity for trainees to present Social Security appeal tribunals and appear as unqualified advocates for clients who were eligible for Green Form advice, and that was a scheme that we started with the appeal tribunal, so it gave an opportunity for trainees to go and receive a set of papers, review the papers, see the client and present a case, and that was something that we did. I do not know whether it still happens for trainees.

Mr Wood: They can still do it. I think it is *pro bono* (**Ms Hannan:** Yes.) but it gains experience and assists members of the public.

495
Ms Hannan: It did assist ... and it assisted the tribunal as well because they saw a fall in appeals because appropriate advice was being received in advance and so overall, it was saving funds for the tribunal and clients were getting decent, good advice and a service. So that started when I was a trainee.

I think we do need to look at potentially the bigger picture of the non-traditional access to the bar. I am not sure whether my current trainees may be coming to see you this afternoon, but [REDACTED] is –

500 [REDACTED]

Lord Garnier: I have read her CV, she is a late entrant to it.

505 **Ms Aalish Hannan:** She is a late entrant, yes, and has come a very non-traditional route. She did a degree many years ago, then had a furniture shop and then decided she was going to retrain as an advocate and did her degree by Open University, a law degree, and then she did the LPC, again by correspondence and then had to do two years' training. If she had been in England, my understanding is she would not have had to do that length of training contract because of the number of years she had worked with us. So throughout her Open University course and LPC she
510 was working in the firm and so had a knowledge and experience of legal work, but had she been in England her training product could have been, as I understand it, a shorter period that is not available here. So she has had to do a very long run to get to qualification, and for somebody who is in later years looking at a career then obviously that has reduced her time.

515 So again, I was very lucky, I am not sure who else was, but when I went to law college, my fees were paid by the Isle of Man Government, and I was the only student there in my cohort who did not end law college with a £20,000 debt. People were in awe of us because we did not have that debt at the end. I do not know what the current situation is, but –

520 **Mr Wood:** Sorry to interrupt, and it was that support, I think, that certainly encouraged me to ... one of the reasons why I wanted to return here because of that level of support that was offered.

525 **Ms Hannan:** Yes, and it was a condition to be fair. To get that funding you had to provide proof that you had a training contract to come back to. The Isle of Man was getting you back so it was a decent investment. I do not know whether that was actually checked, whether there was any proof provided but that was a condition.

530 So I was state educated, I was lucky enough my parents were able to pay for university, but that funding from the Department to get me through two years extra was ... I do not know how ... recently we have had an inquiry from a student who does not want to go to university, who wants to be a Manx advocate, who cannot afford to go to university, and I do not know what the opportunities will be.

██████████: I might be wrong, but I do not think it is still funded on the Island.

535 **Mr Wood:** It is not *now*, no.

Mr Humphrey: It is not funded now.

540 And I think the proposals at the moment are that it will still be a requirement to get a degree, even after the review.

Q30. Lord Garnier: I get the impression from talking to other lawyers from here informally that, unlike in England where the Law Society is keen to move across to an additional non-graduate entry into the profession, that would be resisted here, would I be right?

545 **Mr Humphrey:** I think that is the feeling. Certainly, yes, the proposals that have come out of the Law Society Council are that we retain –

550 ██████████: I suspect though, if it was seen to be working well in England, and it is probably mostly that it is sort of untested, we are a small jurisdiction so the impact of it if it does not work would be significant, whereas – I don't know, I can't speak for the Law Society – but I imagine if the new system was seen to be working well in England, allowing for more diverse candidates at entry level, the Law Society might then look at it again and say, 'Well, we can see actually that the system does work', if it does, and will consider it in the Isle of Man. But I imagine, I cannot speak for them

555 and I have not been involved in any of these discussions, that part of the reluctance is about the fact that it has not really been tested at this point. And, as I say, the impact in this jurisdiction if it does not work would be significant.

Mr Humphrey: I think it used to be, certainly when I qualified, people like Geoff Karran, (A witness: [REDACTED].) [REDACTED], did not go to university, they did five-year training contracts.
560

[REDACTED]: Sorry, I should qualify, untested in recent years. *(Laughter)*

565 **Q31. Lord Garnier:** Do you have a system of legal execs, as they do in England?

Ms Hannan: There are legal executives.

[REDACTED]: There is somebody within Appleby who is doing, I think it is called CILEX (**Three witnesses and Lord Garnier:** Yes.) We have got one person. I mentioned a paralegal earlier, that is her. But I cannot really speak in any detail about her training because I am not one of the people who has been involved in it.
570

Q32. Lord Garnier: Alright, well that is very useful.

575 Could I then move on to continuous professional development and to some extent we have touched upon it very gently in this previous discussion, but can you try to look at this from both angles, that is to say from within your own practices and then try and put yourself as the ordinary person on the street, looking into the profession.

580 Is there adequate continuous practice development; brackets, is it necessary at all? Is there a danger of it just becoming a tick-box exercise? But do you get the impression that Members of *this* body, Tynwald, who are not lawyers or your clients or whatever, know about or if they do know about it, think that the system of career development, professional development, making sure everyone is keeping up to the mark, continuous training? Is it done at all? Is it good enough? Is it working?

585 Perhaps I could start with you, Aalish.

Ms Hannan: From my perspective in my firm, we have regular professional development meetings. More recently, COVID has been of great assistance in that there are a significant number of webinars now presented and from a family law point of view, we regularly tap into training that is available. We do not publicise the fact that we do that training and we do not tell our clients that we have done that training, but I think from a personal development ... and wanting to be good at what you do, then your own continuous development is key and to know, certainly from a family law perspective, the changes that happen, things that are occurring, we are regularly aware of what is happening in England that will have an influence on how we advise clients here.
590

595 But I have never been asked by a client, 'What training do you do?' So I am content from a firm point of view of how we develop ourselves and ensure that we know what we are doing, but it is not something that we advertise.

Q33. Lord Garnier: Nadine, what is your experience?

600 **Ms Roberts:** I think that the client's expectation is that you will be versed in the area that you are giving advice on. Like Aalish, we often tap into webinars, training from external sources. Again, when you are a small to medium-sized firm you have to rely on these external resources, whereas perhaps in the bigger firms, like Appleby and Cains, they have their own internal training, so there might be a discrepancy there in the way which firms do address CPD.

605 But from a client perspective, we have never really been asked; there has just been that expectation that we have been able to provide the advice.

Q34. Lord Garnier: But, the senior partners of your prospective firms, do they come round and make sure that those junior to them in the hierarchy of the firm are keeping up to date?

610 **Ms Roberts:** We have training logs for trainees which we are supposed to submit to the Law Society on a regular basis to show what training has been provided, what areas of law they have been working on and the types of documents they have been drafting.

615 **Q35. Lord Garnier:** And does the Law Society require that as a matter of professional duty or regulation or is it something that is a sort of voluntary to-ing and fro-ing of information?

Ms Roberts: I think it is a requirement.

620 **A witness:** It *is* a requirement, yes.

[REDACTED]: It is a requirement in relation to trainees. I do not think beyond trainee level. So when I was a trainee I submitted a training log and I had at the end of my articles an interview with two members of the Law Society, who had clearly read that training log and asked me about certain aspects of it, trying to ensure that I had covered everything that I should have covered during my training period, but I do not think there is any formal system after you have been commissioned, so after you have qualified.

Q36. Lord Garnier: Do your professional indemnity insurers want to look at that?

630 **A witness:** No.

[REDACTED]: Not as far as I am aware, no.

635 **Q37. Lord Garnier:** And that is not an aggressive question it is just... (*Laughter*) I am not going to run around to ...!

[REDACTED]: I do not think there is a formal system of CPD like there is in the UK. Obviously I am in a different position because I have retained my practicing certificate. (**Lord Garnier:** Yes.) I still have to comply with the CPD that is required by the Bar Council, but in the Isle of Man, no, I think there is not the same sort of ...

Q38. Lord Garnier: So having the advantage of the dual experience, if that system were translated across as a professional requirement, as a professional duty within the Isle of Man, would you say that was just another bureaucratic hurdle or would you think that was something that would enhance the view of the profession?

645 **[REDACTED]:** I do not know really. I mean, enhance is probably ... I think people are probably doing it anyway. Certainly with my own firm they are doing it anyway, so I do not have particularly strong feelings about it. You are basically just formalising something that is probably already happening. Whether that is ... I do not know, I have never heard anybody raise issues about concerns that there is not a formal process of continuing professional development over here, within the general public I mean.

655 **Q39. Lord Garnier:** I guess in a relatively small legal community, would it be fair to say that if someone was falling down in their professional standards it would soon get known about?

Mr Wood: Absolutely.

660 **Q40. Lord Garnier:** So would there be a sort of legal community disciplinary system which keeps everyone up to the mark or would they just lose clients?

665 [REDACTED]: I think they would lose ... I mean, obviously in a small jurisdiction, your reputation is very easily damaged and word gets around quickly if you are stale in your practice area. I think it would operate like that. I do not think there would be any formal community disciplinary process but certainly I think it would become well known, both within the legal profession and within the general public that you were not the right person to go to.

670 **Mr Wood:** I think it is fair to say that, given the level of co-operation that I certainly have in my field and the bond of trust and confidence we have with one another in this small jurisdiction, if I felt that somebody was potentially falling down – and I would hope if they thought that I was falling down – we would just have a word on them. This jurisdiction allows for it because it is so closely knit, it is brilliant.

675 **Q41. Lord Garnier:** Can I then slide moderately seamlessly on to the next bit, which is related, but not exactly on all fours with, and that is to do with professional by-laws, particularly those dealing with complaints regulation and professional guidance?

680 It has been suggested to us that they need improvement but nobody has quite said what that means. In a law firm you would normally expect that if a client had a complaint, I do not mean this man is professionally misconducting themselves, but perhaps had been short in a meeting or lost his cool, not in an extravagant sense, but just being a little picky or impolite and perhaps not coming across as terribly client friendly. I am the client, I want to complain about that. Now obviously the first thing you do is complain to the individual and that very much depends on the character and self-confidence of the client. But if you are in quotes ‘a small person’ who does not go to law very often it is quite a frightening thing to go and see a lawyer, first of all, but secondly, when you get what is called white coat syndrome ‘the doctor must know best’, ‘my lawyer must know best’, and if they are rude to me well, that is perhaps how the profession works.

685 Casting all that aside, how do I as an ordinary punter in Douglas or Castletown or Peel, wherever it may be, how do I make sure that my concern is properly dealt with by the lawyer and his or her firm right the way up through the hierarchy? And how can I be sure as a policy maker in the Isle of Man that the public is being properly treated and catered for by an accessible and suitably developed disciplinary complaints type system?

690 **Mr Wood:** I remember going to the Gaiety Theatre, a number of years ago now, and there in the programme for the performance that I was there to see, there was a, ‘Have you got a complaint against a lawyer on the Isle of Man?’ advert and it was made by the Isle of Man Law Society, (*Laughter*) but it was put in there, and it invited the public to make any complaints that they may wish to raise.

700 On a day-to-day basis a new client is – as I am sure everyone sends out to new clients – a letter of engagement and within the letter of engagement there will be a route of complaint and it will be set out for the client to follow. I have a small practice and therefore it would be, I think, onerous on an individual wishing to make a complaint if they did not feel as though they could approach me, and not everyone can, I understand that. And they may feel then, ‘Well, if I can’t speak to Mr Wood about the complaint I have against Mr Wood, he is in a small firm, who do I then speak to?’ and I then highlight I have arrangements with other advocates and in effect, if it were to occur – thankfully, in my time it has not – but if somebody had a complaint against me that they did not feel I was capable of resolving, I invite them to go and speak to another advocate to raise that complaint with them and that other advocate will come and speak to me about it, and I will try and resolve it.

710 [REDACTED]: I may be wrong, but isn't there also some sort of conciliation service through the Law Society?

Q42. Lord Garnier: There are levels and sometimes on your firm's website it might be up there, 'What do I do if I have a complaint?' (a) see the person involved; (b) if you are not satisfied take it to the senior partner; (c) if you are still not satisfied there is a conciliation service, if you are still
715 not satisfied take it to the Law Society or go to ADT or whatever it may be.

I am not sure that is always available on everybody's websites, and I think talking to Kathryn Clough yesterday, it is not necessarily all that well set out on the Law Society's own website in general terms and – I do not want to put words into her mouth – but I think she and the Law Society here are looking to redesign their website, perhaps on the lines of the Edinburgh Law Society, which apparently has a very accessible frequently asked questions type section in relation
720 to this.

But in your own individual firms, and Steve just told us about his relatively small firm, but in your own individual cases do you have something similar? Do you have something where I as a member of the public can at least feel that I have got an avenue, even if I may not get ... not every
725 complaint is satisfactorily responded to because I am afraid the client may often be wrong and that there is not a basis for the complaint, but everyone needs to have a someone to talk to about the thing that annoys them. I say this with some feeling, having, as a consequence of being asked to do this review, received a number of emails and so forth from members of the public here concerned that, 'My lawyer got it wrong in this case and he simply – or she simply – will not help
730 me, the courts will not help me. I am stuck.' Now, some of these people may have a genuine complaint which is not being looked at, some of them may just be, in quotes, 'disappointed people who are never going to be satisfied' and we have all seen them in our professional lives. But I just wanted to make sure that within the system as a whole, through your own particular experiences and through your own practices and firms that there is not more that needs to be done to make
735 people aware that there are avenues of redress short of suing the pants of people.

Mr Wood: Well, there is a stage before that because I will do my level best to avoid an ADT complaint. Simply because, whether there is merit in the complaint or not, the process of an ADT complaint is an *absolute* pain in the neck.
740

Lord Garnier: It is very time consuming for you.

Mr Wood: Very time consuming.

I would ordinarily be on legal aid rates at the best of times and then to expend my time dealing
745 with a matter before the Advocates' Disciplinary Tribunal is onerous, and whilst my PI may allow for the appointment of an advocate to assist, it nevertheless takes a considerable amount of my time, and I will do my level best to avoid it. Therefore it is in my best interests to ensure that any complaint that is being raised by a client is handled correctly and to their satisfaction before we get to that stage.

If it is not possible to reach a level of client satisfaction then of course that client is advised and directed ... in fact my letter of engagement will, at the outset, set out for the client the procedure
750 if we cannot reach a resolution, so they are informed by me that they have the right to take it to an ADT if they want to but it is in all of our best interests, I would say, to avoid that route. So I believe that we do our best to try and, if placate is the right word, placate the client with a complaint, within reason.
755

Q43. Lord Garnier: I entirely take the point that in a small practice it is hard enough running the practice without having to run an internal complaints system as well, and it is interesting that you can push people towards colleagues in the profession who can assist the complainant about
760 your conduct, so that is useful to know.

I guess in marginally bigger firms the personnel limitation is not such a problem but even so it is something that I think the public needs to have explained to it and, okay, I take the point about the letter of engagement.

765 **Ms Hannan:** We also have a complaints procedure and as soon as you receive a complaint the complaints procedure is sent, which sets out in detail what the procedure is and who will deal with it depending on who the complaint is about.

770 Again, I assist with a sole practitioner and if *he* receives a complaint, his letter of engagement is that I will deal with the complaint on his behalf, so there is that interaction between smaller firms and bigger firms so that the client, the public have that service of knowing that there will be somebody who will oversee a complaint from outside your own practice.

775 **Q44. Lord Garnier:** Would I be right, therefore, in thinking that all of your individual practices are reasonably happy with the way in which you deal with complaints within the firm and that perhaps where the campaign needs to be directed is not so much about individual firms but that the Law Society, as the professional over watcher, has a route to verdict, so to speak, for potential complainants?

780 **[REDACTED]:** Yes, I think that must be right. I cannot see any argument against transparency of the complaint processes on the Law Society website. It has got to be right that that needs to be laid out clearly for members of the public.

785 **Mr Wood:** Absolutely. And I would agree that, whilst a letter of engagement gets sent out, at least in the first instance, certainly as far as some of my clients perhaps are concerned, who knows what happens to that letter of engagement. But if, when a client felt a complaint had arisen, they were easily able to get that information from the Law Society website, for example, and see it through then absolutely, I think that would be good.

790 **Q45. Lord Garnier:** Would your letter of engagement, for example, have 'Further assistance can be gained from the Law Society website'?

Mr Wood: Does it currently? I cannot recall off the top my head, perhaps it does not actually at the moment.

795 **Ms Hannan:** I think our complaints process has reference to the conciliation service with the Law Society. That would be the stages that you go through, so they would know that after a certain point if they were still dissatisfied, they would go to the conciliation service and then, after that the ADT, so the route would be set out in our complaints process. And the Law Society review our complaints processes when they come and do their annual, or however regularly they come and do their checks, they ask to see it so it is there and it is fairly obvious.

800 I think I would say, from my own experience anyway, the Manx public are generally quite happy with the advice that they receive and we do not get many complaints.

Q46. Lord Garnier: Well, that is good to hear.

805 But clearly it is the grit in the oyster which creates the newspaper article complaints and whatever and if one can anticipate these and then build into a system a means of dealing with them ... And very often, as I have found both as a Member of Parliament but also as an individual practitioner, is it is the one, 'unsatisfiable' customer who always creates 98% of the work, and they are never going to be happy. But we just need to build in systems which make that
810 percentage smaller.

Do any of you have to deal with people coming in on Temporary Advocates Licences? Let's say you had a highly complicated murder which you did not want to do on your own, would you be able to ...?

815 **Mr Wood:** I have got a professional duty to provide the best quality service that I can, and if I felt that a matter was beyond my ability to adequately represent my client then I would refer it to, in the first instance potentially another firm. My areas of practice are extremely limited, and thankfully the murder that you refer to, they are extremely rare. I have not personally dealt with a murder, thankfully.

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Lord Garnier: There are very few murders on this Island so ...!

825 **Mr Wood:** But on occasion I have had cause to request, predominantly it is client led, they have asked for somebody to come from the UK. There is a perception I think in the public that if there is a QC in front of somebody's name or perhaps behind the name, then that person must be better able to represent their interests than the advocate they are sitting in front of and talking to and therefore they demand that they should be entitled to that. So it is often client led in my view.

830 **Q47. Lord Garnier:** But is the system ...? Let's assume that you and the client agree – and I am not just talking about a criminal matter but other areas, it could be family law, it could be a complicated property transaction which has gone wrong or whatever it may be, or even an Inland Revenue taxation type matter – if you as professionals thought, 'Well, I will be assisted by somebody from outside with the relevant expertise,' do you find the temporary advocates licensing system one that works to the benefit of the lay client and works to the benefit of the service that you can provide the lay client? And does it work to the benefit of the ability of the profession as a whole to work in the public interest?

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840 **[REDACTED]:** My personal view is that it gets a good balance, the Temporary Advocates Licence system. I have had cause to look at it and consider it within ... I have not had a Temporary Advocates Licence myself but looking to instruct counsel from the UK in relation to certain client matters.

845 I think the system works well because clearly in most cases the specialist Manx Bar who have local knowledge and knowledge of Manx law, are going to be the most appropriate people to deal with the case. There are, however, certain circumstances where that will not be the case, either because of conflict; rare, but there are circumstances in which the specialists at the Manx Bar are all conflicted or cannot, for whatever reason, take their case. And there are certain circumstances, again relatively rare I would say because there are a number of practitioners with a broad range of practice in the Isle of Man, but where very specialist advice is needed and the current system allows for that. So from my perspective, and certainly when I have had to use it, I have thought that there has been a good balance in the current system and it works well, but that is my personal opinion from my experience, others may have different views.

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855 **Mr Wood:** If I may, I think that is a step before the possibility of a Temporary Advocates Licence being issued, that is almost the last resort because prior to that there would be the ability to seek counsel's opinion in respect of a specific area before we got to a Temporary Advocates Licence. And in my case, going that route rather than jumping to a Temporary Advocates Licence may be in the better interests of the public purse because we get an answer to a particular question from perhaps somebody that is specialised in that area that I then could use in my submissions to the court at a later date, without the need to appoint an additional person at taxpayers' expense?

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[REDACTED]: Yes, I would agree with Steve it certainly works where you are talking about a very distinct aspect of a case and you can go out for specialist advice in relation to that distinct aspect.

865 Where you are talking about the case as a whole, of course, the Temporary Advocates Licence allows for specialist counsel to be brought in to take conduct of the case before the court. It is not often that that is required, but I do think there is a need to have that ability to do that in the right circumstances, but I think the balance in the current system is probably right.

Q48. Lord Garnier: And am I right in thinking that the First Deemster is the gatekeeper of that?

870 [REDACTED]: Yes, although isn't it true that Temporary Advocates Licence applications sometimes will go before Deemsters other than just the First Minister, as an Acting Deemster?

Mr Wood: I do not know. Certainly the few that I have made in my career have been to First Deemster.

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[REDACTED]: I may be wrong, it may just be the First Deemster.

Ms Hannan: The majority that I have dealt with historically were in criminal cases when the trial was generally being prosecuted by an off-Island advocate.

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Q49. Lord Garnier: Instructed by your local prosecuting authority?

Ms Hannan: Instructed by, yes. So in response to that we would apply for ... and it was usually either because of the nature of the case or the length of the trial and given the small criminal Bar that we still have and did have then, the length of trial on an individual's practice when you are a fused profession would have a significant impact and so if you were going into a two- or three-week trial –

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Q50. Lord Garnier: You could not give up two or three weeks out of the office, no.

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Ms Hannan: No, and you would lose the rest of your business because preparing for that and running it, you would come back to zero work. So those are the occasions where I have instructed.

I have had one family case where we have instructed, but that was a particular area of law where again, all other parties were also represented by temporary advocates. I do not know what the procedure is for a litigant in person, how easy it is for them to instruct and request a Temporary Advocates Licence, I have no experience of that, it generally always comes through the instructing advocate.

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Mr Wood: I think it would be extremely difficult for somebody acting on their own to try and navigate that process of making an application to First Deemster and securing a Temporary Advocates Licence.

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Q51. Lord Garnier: I presume you would need to get someone to act as the instructing solicitor to bring over the –

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Ms Hannan: Yes, most advocates from across would want and do require an instructing solicitor and it is quite difficult to explain to them, 'No, this is now your case', they will want you still to continue to work and deal with it on their behalf on the Island.

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[REDACTED]: I do not know if it has ever arisen but I suppose just from this conversation, it occurs to me that that is perhaps one area of the current system that might require more careful review because, I do not know if it has ever happened, but in circumstances where all of the advocates in that specialist areas say, 'I am conflicted, I cannot take your case,' and you are litigant in person, you therefore want to on that basis, apply for a Temporary Advocates Licence, there ought to be

915 a clear system, publicly available, to allow you to do that. I do not imagine it is going to arise very often.

Mr Quinn: That is something that has been identified by the Law Society. ([REDACTED] : Has it?) And there has been a draft of an application form, trying to simplify the process for a layperson.

920 I think the key wording was 'modernisation', it is being able to access these documents and accessing the information readily. And the Law Society website is a bit, I am going to use the word 'clunky'. (**Lord Garnier:** Yes.) It is quite difficult to navigate, even as somebody who has to use it quite often it is very difficult to find the material you want on there. So for somebody who is going on there for the first time, not knowing that it is called a Temporary Advocates Licence is not going
925 to know what to put into their Google search. I think that has been identified and is part of the process of modernisation, that we have to go through as a Bar to make it easier and more accessible for the lay person, who probably relies on Google a bit more than they did back when the Law Society's website was first created.

930 So that has been answered by the Law Society and I think it is part of the package of items that has been identified and they are currently working on.

Q52. Lord Garnier: The last time that Samantha and I were here, in May, we had a meeting with Jeremy Storey, your Court of Appeal Judge with First Deemster Corlett, and they both discussed in very high level general terms, without descending into the detail of any particular
935 application they had had before about the Temporary Advocates Licence system. Deemster Corlett gave me the latest volume of the Isle of Man Law Reports, and quite a number of the authorities or the reported cases were about applications for Temporary Advocates, some refused, some accepted. So it is obviously quite a hot area of litigation. But again, they would have been cases brought mostly by professionals like you to get outside assistance in a particular case.

940 **Ms Hannan:** It is also necessary for the development of the Bar to have access to temporary advocates, even CQCs from England come and practice here, it is a useful professional development for us to be involved in and see how they run their cases. So it is not something that I think we are against, I think it is quite a useful tool in the right circumstances and it is useful for ongoing training as well.
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[REDACTED]: I would agree with that, although I would say in the right circumstances because I think there is a risk if a Temporary Advocates Licence being granted automatically in cases where it is not necessary and the current system currently works well.
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Mr Wood: Sorry, I do not know what the final bill was in the Manx election fraud case all those years ago for all those advocates or all those individuals that were granted Temporary Advocates Licences to represent the various individuals involved in that, I think Manx society, the Manx taxpayer, paid a heavy price for that.

955 I am all in favour of Deemster Corlett or the First Deemster being the gatekeeper and the current system that is in place. But I would accept that the lay person who does not – and Josh is absolutely right – know what they are looking for, they just want to know what they want, needs to be guided properly as to how that is achieved.

960 **Q53. Lord Garnier:** And, again, I think perhaps you would all use your professional skills to work out whether this is a case where you could do it on your own or whether you required outside assistance, not because you did not know how to do it but because it is a big case or you cannot get the assistance locally because it is conflicted. But equally, I think it is something that the Law Society on its outward facing systems needs to make accessible or more accessible than it perhaps
965 currently is and to de-clunkify its website.

I guess any help that you as individuals but also as representatives of the other lawyers in the Island who are not here can give us in making recommendations about how to ... I am not a website designer, but I mean I can understand the general principles about what would be a good idea to put into it and how it might perhaps be improved to the benefit of the public that we seek to serve.

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[REDACTED]: I am sure it is something that the Law Society is dealing with, after what Josh has said. I would have thought that any explanation of a Temporary Advocate Licence on the Law Society website for the general public is going to have to explain accurately, but in layman's terms, what the threshold tests are for that, because ultimately you do not want people seeking out counsel in the UK, spending a lot of time speaking to people in the UK at cost or otherwise and then applying for a Temporary Advocates Licence, not having known that it is not something that is granted automatically.

980 **Mr Humphrey:** Yes, I think the Law Society have worked with the courts and there are guidance notes that have now been prepared. Whether they are on the courts website as well, I do not know.

985 **Q54. Lord Garnier:** Could I come to another angle; I mentioned at the beginning what I call the regulated non-lawyers. Are they regulated anyhow? I mean, in England a few years ago, the Law Society ran quite an effective campaign about the need for better disciplining or better control of non-lawyer will writers because there were one or two cases of people suddenly finding that the will that they had got somebody to do for 20 quid was unenforceable or did the wrong things. Yesterday it was mentioned to me that there could be a potential problem here with non-lawyer immigration advisers. I do not know anything about the size of the problem, whether it is a problem, but do you as lawyers, regulated by the Law Society here, find that there is a growth in these advice providers who are not qualified in any particular way?

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995 **Ms Roberts:** I think in recent years there have been individuals setting up as will providers.

A witness: There is a smattering of it, isn't there?

1000 **Ms Roberts:** Yes. My concern with that is that with wills it is easy to think that they are a simple thing to draft. When a client comes to see you, they always want a simple will but the issues that surround creating that will – you have to have some idea of sometimes company law, land law, family law and my concern is that those drafting the wills do not have that broad range of knowledge and are able to properly advise beyond the scope of what is contained in the will itself and not the surrounding issues.

1005 **Q55. Lord Garnier:** Yes. It may just be a function of the size of the population that there just are not the numbers of duff wills being written to create a problem, whereas in England, when this campaign was being run by the Law Society, there were literally thousands of people ringing up *You and Yours*, the BBC programme, or getting on to sites to say, 'Have you heard how terrible it is when this happens?' and the Law Society had quite a powerful run at it.

1010 To be honest, I do not know what the result of that campaign was, but now if it is not something that is uppermost or rising up in the salience in your professional concerns it may not be something I –

1015 **Mr Humphrey:** I do not think it is a huge problem. There are certain practitioners who provide will writing services but the scale of that I am not aware of. There would be a concern that those will writers may have some qualification which derives from England but they will not be aware

of the nuances of Manx law. So in that respect, I guess there is a risk to the consumer. But in terms of manifesting itself as a huge problem I do not think it is at the moment.

1020 [REDACTED]: I simply do not practice in that area of law, I just do not know whether it is a problem or it is not.

Mr Wood: If I could ask Nadine, is Green Form advice available for writing a will?

1025 **Ms Roberts:** Yes, it is.

Mr Wood: That is probably not something that an individual will be offering to write a will who is not a qualified advocate can or is able to offer, and therefore there is potential for somebody that perhaps is not particularly well off to use the Green Form scheme on the Island, run by ... and properly monitored, and it allows them access to that level of legal service from a professional for free, whereas even if it might be cheaper on the face of it to go to one of these unqualified will writers, they are still being charged.

1035 **Ms Roberts:** There is also the issue of insurance, whether they have the same level of insurance that we have. (**Mr Wood:** Absolutely, of course.) And it is probably going to be a problem but it will not manifest until after that person has passed away.

Q56. Lord Garnier: No, it is a problem you leave behind, isn't it? (*Laughter*)

1040 **Ms Hannan:** The public generally, I think, will have a view that if they want a will they go to a lawyer. I think that is a general held belief, so I am not sure how much work these will writers are getting. But I think there is a confidence in the Manx public and a knowledge that if you want a will or a power of attorney then you go and see a lawyer. I have certainly not seen any fallout.

1045 **Q57. Lord Garnier:** But is having a will a middle-class thing? I do not know whether – this sounds awful – poor people in England do not have wills, they just die and their children have to sort out who gets the telly and who gets a sofa.

1050 **Mr Humphrey:** Do we do much? My firm does not do Green Forms. (*Interjections*)

Ms Hannan: We do Green Form wills, particularly connected to usually a divorce, if there has been a divorce, the letter advising of what happens when the final divorce order is made is, 'You should now make a will', and if they are eligible for legal aid we will give them advice and we will draft the will on that basis.

1055 So any client coming through the door, particularly if there is ... even a property transaction, I mean you must do it on property purchases, you must advise on the need for a will after you have bought a property. So I think if they are with a lawyer to begin with, and they are going through that process then the will issue comes up, but whether individually if they are not directly involved with a lawyer day-to-day on other matters, whether they seek out a will, I do not know.

1060 **Q58. Lord Garnier:** Is there a big social housing population here?

Mr Wood: A reasonable size, yes.

1065 **Ms Hannan:** A reasonable amount.

Q59. Lord Garnier: And so they would not necessarily have a huge amount of moveable property. (**A witness:** No.) And so I guess a will would not necessarily be something that occurs to them, except if they try to get divorced? Yes.

1070 And as far as conveyancing is concerned, is it by law dealt with by lawyers or can a private individual download a form from somewhere and just convey their house?

Ms Roberts: So as far as the land registration process is concerned, I believe that has to be signed off by an advocate, that cannot be signed off by a conveyancer who does not have the full qualifications. So conveyancers tend to do the preparatory work and then it is signed off by an advocate when it comes to the land registration process.

Q60. Lord Garnier: We have talked about the training of Isle of Man people in Manx law, we have talked about 'brought overs' being able to know enough about Isle of Man law. Where do I find Isle of Man law? Where is it? (*Laughter*)

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██████████: It is in a variety of places.

Q61. Lord Garnier: It is in your heads because you have been taught by your professional parents and grandparents but is there a book called, 'The property law of the Isle of Man'? Is there a book saying, 'Criminal evidence and procedure in the Isle of Man'? Is there an Archbold for the Isle of Man? Is there a Kemp & Kemp for the Isle of Man?

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██████████: There isn't. But having said that, most of the information is available, it is just knowing where to look for it and people who have been trained in legal research and have in-house knowledge as well, once they know where to look for it, it is not as difficult as it might sound. But maybe access to people from other jurisdictions it might be more difficult to find where it is because it is not on Westlaw or LexisNexis in the way that it is in the UK.

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There is a website where all the current legislation is accessible, both to advocates and members of the public.

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Q62. Lord Garnier: So every Act of Tynwald is available?

Mr Wood: Yes, you can easily access it, but in terms of a comparison between 'this is different from that', no such thing exists.

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██████████: No, you would have to go through a more laborious process, wouldn't you, of dragging up the older statutes and comparing them if you wanted to see changes in the law. But in terms of finding the current legislation it is not that difficult a process –

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Mr Wood: It is very easy.

██████████ – you go on the relevant website and pull it off. You have to use more primary source material, but it is there.

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Mr Wood: The courts have a fabulous website where they publish relevant judgments very quickly.

Q63. Lord Garnier: Like BAILII but not BAILII?

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Mr Wood: Yes, and within those is effectively the law of the Isle of Man, the common law of the Isle of Man, in those judgments.

1120 I suppose, from my perspective at least, coming back to continuing professional development,
that is how I continually develop, in the main, by keeping up to speed with the changes in how the
law is applied on a day-to-day basis almost in the local courts because in a small jurisdiction it
allows for it.

1125 [REDACTED]: There are also the Manx Law Reports. Again, they are not online LexisNexis, Westlaw
in a searchable format in the way that they are in the UK but they are available. They have an
index. They are more traditional, I suppose.

1130 I would say it is not as easily accessible as it is in the UK, to those who have the prescriptions
of course. If you are a member of the public in the UK you do not have access to Westlaw and
LexisNexis, you have access to BAILII and the relevant government websites. In terms of lawyers
accessing it, the job is probably slightly more difficult but with legal research skills it is not a
significant amount of a challenge.

Q64. Lord Garnier: But do you think it would be of general assistance if in this jurisdiction there
was an accessible compendium of legal text and legal textbooks?

1135 [REDACTED]: It depends how often they were brought up to date, I suppose. I don't know.

Mr Wood: Who brings them up to date? How does that happen?

1140 [REDACTED]: Obviously in the UK you have publications like Tolley and various people feed into
them and are responsible for a chapter and updating them but there is a much larger number of
people available to feed into those textbooks. Obviously there is a small number of advocates with
busy practices, if we were responsible for bringing these textbooks up to date at regular enough
intervals for them to be useful, that is quite an onerous obligation on people who have busy
private practices, that is my own view.

1145 **Q65. Lord Garnier:** And I can see it from the publisher's point of view that there is not a big
enough sales market to ...

1150 [REDACTED]: No.

Mr Wood: I certainly know how much my second-hand one year out of date, Archbold cost.

1155 [REDACTED]: In an ideal world there would be these textbooks but, like I say, my concern is who
will write them and who will update them regularly enough for them to be of real value in such a
small jurisdiction. We just simply will not have the resource like they do in the UK to have these
publications that are updated by practitioners on a regular basis.

Q66. Lord Garnier: But would you think I was being unfair if I said that the law of the Isle of
Man is quite secret? (*Laughter*)

1160 [REDACTED]: I think that would be going too far because, like I say, it is online. The cases are there,
as is the legislation. I think it is a more laborious process to trawl through it, certainly, for
practitioners. I am not sure if I was a member of the public in England and I did not have access to
LexisNexis, Westlaw, Lawtel etc. that I would find the situation much different. I do not know
1165 because the resources that I used when I was practising in the UK were those subscriptions so I
could see with a nice sort of tick next to the legislation whether it was in force, I could cycle back
through previous versions (**Lord Garnier:** Iterations of that ...) but if I was a member of the general
public it would not be so easy for me to do that. So I think the differences as between lawyers in
different jurisdictions, rather than as between the general public, but the advocates that are in

1170 the Isle of Man are, of course, used to the systems and know where to find the law, it might take
us slightly longer, it might be more convenient if it was set out in a different form. But, like I say, I
do not think it is an insurmountable challenge, the law is online for anybody who wants to access
it, that is my opinion.

1175 **Q67. Lord Garnier:** So when you are preparing a case, either as a criminal lawyer or a civil
lawyer, and you want to know what is the current law on admissibility of evidence in a particular
aspect of the case, is it because you were in the case or is it because you know which buttons on
your computer to press to pull up the recent judgment of Deemster A, B, C or D that you can keep
yourself abreast of it and address the court in the most coherent and up-to-date way? Or do you
1180 borrow submissions from your 2021 and Archbold or whatever it may be?

Mr Wood: I certainly look to Archbold initially in respect of a particular area to get initial views
on it, and then I would be looking at potentially the Manx legislation to see whether it differs from
the legislation that is being referred to in that particular section of that tome. And then I would
1185 be looking at potentially case law as well to see how that up-to-date case law is applying to the
particular situation that I am looking at.

But it also comes down to ... I work in a niche field, a specialist field, I would like to think I have
a good understanding of the usual areas that come up and I like to keep up to speed with those
and recent judgments. So I have a grounding from the years I have spent doing it to know what
1190 areas I am going to be looking at and where I go to to look at it.

I absolutely take the point that for a member of the public though it is not so easy. But you ask
whether would that member of the public perhaps think that it was more *secretive* on the Isle of
Man? No, because what effectively would be available in the UK, it is like saying it is secretive in
the UK because effectively what is available to the person resident in the UK is the same as what
1195 would be available to residents of the Isle of Man. It is only perhaps the perception of somebody
from the UK looking into the jurisdiction that it may seem secretive.

[REDACTED]: Yes, my personal view is there is not much difference between access to the general
public in the UK and in the Isle of Man and I think it might be more difficult for a foreign lawyer, if
1200 I can use that term, looking for Manx case law to find it because it would not be where they would
expect it to be, but they would be looking in areas of resources that members of the general public
would not have access to anyway. And then of course, the lawyers who are in the Isle of Man
know where to look for it because they have to do so on a regular basis.

1205 **Q68. Lord Garnier:** So let me come at it from this point of view: let's assume I am an Isle of
Man lawyer and I am either doing a criminal case or I am doing a civil case. As a criminal lawyer I
want to make an application to the court that the prosecution of my client is an abusive process
or I want as a civil lawyer to make an application to the court that the claim against my
defendant/client is an abusive process or is unmeritorious and should be summarily dealt with. In
1210 England I would look up in Archbold or I would look up in Blackstone or I would look up in the
White Book, and I would see what the relevant bits of case law or possibly legislation might be in
those two areas and I would sadly have to keep myself updated with very expensive White Books
and very expensive Archbolds, but that is what we have to do.

If I am doing that here, there is not a White Book, there is not an Isle of Man Archbold. So there
1215 you are, you are getting ready for tomorrow's application in front of the Second Deemster or
whoever it may be. How do you prepare your case as a lawyer in those two ...?

Mr Wood: I smile because I had a Zoom conference with Colin Wells yesterday, who you may
or you may not have heard of, but he wrote the book on abuse that we sometimes look at. So
1220 some of my preparation was via that meeting, I suppose. But how do I prepare for it? You are
right, there is no Manx Archbold. I do not think it could be financially justifiable to have a Manx

Archbold. I am content, though, with the access I have to the resources that I do that I am well equipped to make the applications that I do, in the area that I practice in.

1225 [REDACTED]: I can tell you what we would do from a civil point of view. So the High Court Rules obviously are available online. There is a lot of similarity between the High Court Rules and the CPR, so I would look at what the relevant High Court law was, I would probably look at the White Book, which I have access to, to see what the principles applied in the UK were. I would then have a look at the Manx Law Reports to see if there were any cases that threw up any differences
1230 between the UK and the Isle of Man law in the way in which it is developed; and because there is a bit of a lag between publication of the Manx Law Reports and the most recent case law, I would then also go on judgments.im to check if there was any recent case law developments that impact what I was looking at.

1235 So I would use the knowledge that I can obtain through looking at the White Book and English sources as the foundation and then on top of that I would look at primary sources to check for any differences between English and Manx law. Of course, I may know that there are differences from previous cases and from in-house knowledge but, broadly speaking, that is what I would do.

1240 **Mr Quinn:** Can I just add to what Keira was saying, our Rules of the Court or the Civil Court actually have a direct reference number directing you to the CPR's rule. So if you are looking for it in the White Book you can quite quickly find it. And then it is just simply knowing whether or not the English and Welsh courts have gone on to develop their rules differently, particularly in costs, they have gone a lot further than we have, and just knowing that their case law after, say, 2015 is not relevant on that point. So we use their case law, as Keira says, as a foundation and
1245 starting point and it is quite common that are our Manx Law Reports will make reference to some of those cases as kind of, this is where we have taken these principles from.

1250 And even the reference points, some of our statutory provisions are ... people use 'copy and paste' but ... they are directly lifted from the UK and if you read our primary legislation, if it has been directly lifted, there is actually a code under the actual provision in that Manx statute to where you can go to the UK statute and find a direct link, and that then helps you with your research because then you can go and pull the law book, the commentary book, off your shelf, Halsbury's or whatever you use, and that is your starting point, your grounding for your research.

1255 [REDACTED]: Of course there are areas where it does not work like that because the Manx law is quite different to the UK law. So take, for example, Manx insolvency law, it is quite different to UK law, but you would know about that through your own particular specialism and the knowledge that you have built up practising in that area and you would have to use more of the primary sources in the Isle of Man without relying on the foundation, as I have been calling it, in English law. But again, because you know where to look and you have that in-house knowledge and
1260 experience it does not really pose any great difficulty, I do not think.

Lord Garnier: I guess it is called working! *(Laughter)*

1265 [REDACTED]: Yes.

Mr Quinn: I should stress it is not just England and Wales that we take some of our law from, it is Northern Ireland, Republic of Ireland, Scotland.

1270 **Q69. Lord Garnier:** And other countries or other jurisdictions?

Mr Quinn: I know Appleby have an extensive library of resources for some of those other jurisdictions as well.

1275 [REDACTED]: Obviously it depends on the firm type. I can't speak for the smaller firms, but obviously the bigger firms have their own in-house knowledge banks and they will keep records of relevant cases from common-law jurisdictions that touch upon points that they think would be interesting to practitioners in the Isle of Man courts.

1280 **Q70. Lord Garnier:** I have kept you a very long time, and I apologise for that, but can I just ask you one more question and please do not think that that means it is the end of the meeting. If you want to ask me or Samantha questions please do.

1285 There is obviously you as a group of Isle of Man practitioners, essentially advising Isle of Man people. But there is also, here in this town, non-Isle of Man lawyers advising in non-Isle of Man matters, and of course they are two separate legal streams. What is the relationship between you as Isle of Man lawyers and them as people who happen to be physically here but not advising on Isle of Man crime, Isle of Man family law or Isle of Man tax matters. Do you meet as fellow lawyers or are you in separate planets and what sort of cross-fertilisation is there between the staff of the two types of lawyer?

1290 It may have more to do with the civil end than the criminal end, but obviously there could well be, I don't know, a banker who makes a mistake and is involved in both an English criminal investigation and an Isle of Man criminal investigation, there could be a contractual banking or trust law problem which may affect both, but I do not know whether the two types of lawyer have to work together or whether they just have different client streams and so forth?

1295 [REDACTED]: I often work with people qualified in different jurisdictions for exactly the reason that you are saying, although I have more frequently worked with solicitors advising on English law from the UK, not with people who are physically based in the Isle of Man or operating here but advising. I am sure they are here but I have not had much interaction with people advising on other jurisdictions' law from the Isle of Man.

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Mr Wood: In my field I have good relationships with a number of Chambers in the UK who I can approach if I have a question and I can interact with them very well, and on the occasion when clerks or whoever are coming over, I socialise well. But in terms of working with those who are advising individuals *not* on the Isle of Man but the adviser is based on the Isle of Man, I do not have much, I think you used the phrase, 'cross-fertilisation'. From my perspective, there is not a lot of that.

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[REDACTED]: It might come up a bit more in corporate law, I don't know.

1310 **Mr Humphrey:** I do not have much experience of it either. There is a little bit of referral, I think, but not a great deal.

1315 **Q71. Lord Garnier:** No. And I guess if I am an offshore banker or offshore lawyer based here and I want to buy a house or a buy a yacht, I would have to come to one of you to do that transaction, I could not use my own London-based, Douglas officed firm to do that because that would be an Isle of Man transaction, wouldn't it?

1320 **Mr Humphrey:** Generally speaking, yes. English solicitors will instruct Manx advocates to do Manx legal work. Sometimes you will see that they have prepared the document and they will ask a Manx firm of advocates just to –

Lord Garnier: Cast an eye over it.

Mr Humphrey: – to make it appropriate to Manx law.

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Q72. Lord Garnier: Well certainly from my point, I don't know about Samantha, if you have got any further questions? But from my point of view that has been a really interesting and very useful discussion and I am very grateful to you all for giving up your time to talk to us.

1330 Is there anything – this is not necessarily the end of the conversation, if you want to email us do not feel in the least bit inhibited either, as I said, directly or through Kathryn Clough or through Dan Davies in the Justice and Home Affairs Department. But is there anything else that occurs to you that you wish you had said and it would be useful to get on the record?

1335 **Mr Wood:** I do not know whether it has come across in my comments this morning or not, but I am extremely proud of the system that we have here and it is deserving to a large degree of protection with appropriate modernisation in the areas that might require it. But I am extremely proud of the system that we have here.

1340 **Mr Quinn:** I have to second Steve's comments. I think primarily we just need to be more transparent through the use of modernisation. I think we just have not embraced that as much as we possibly should have done. I think if we do that most of the problems go away.

1345 **Mr Humphrey:** But equally, to be fair, I think the Law Society are aware of that and are taking steps to do it.

Mr Wood: I agree, yes.

█: I agree with that.

1350 **Lord Garnier:** Well, thank you all very much indeed. I cannot thank you enough, you have all got busy practices to look after without having to natter away to me.

As I say, I think the timetable is broadly that I would like to get this dealt with by late autumn, Christmas time, that sort of time and I hope you will not find that anything that I recommend is in the least bit surprising or shocking or even revolutionary. *(Laughter)*

1355 Thank you all very much indeed.

Witnesses: Thank you.

Review of Legal Services in the Isle of Man

IN PRIVATE SESSION

Chair: The Rt Hon the Lord Garnier QC

Assisted by: Samantha O'Brien O'Reilly, Barrister

Session 2

Thursday, 28th July 2022

Legislative Council Chamber,
Douglas
Isle of Man

Commercial Law

EVIDENCE FROM

[REDACTED];
[REDACTED];
[REDACTED];
Mr Jeremy Callin, Senior Partner, Callin Wild; and
[REDACTED]

5 Lord Garnier: Just before we begin the formal part, the whole session is a conversation, it is not a formal parliamentary inquiry. Although, to make it easier for Samantha and me, there is the lady from *Hansard*, who is going to take a verbatim note. And the lady there, Niamh, is from the Department of Home Affairs, which is essentially my instructing solicitor for the purposes of this outing. What I suggested to the last group is that the transcript will be circulated to you, so that if there are any glitches or [REDACTED]: [REDACTED]) whatever that you want to deal with at the end, we can get that sorted.

10 But as I said, this is essentially a conversation, not an inquiry, and perhaps I will explain briefly what I am trying to get out of this. As you perhaps know, Tynwald appointed a Select Committee to look into this question of the legal services sector in the Island; they reported to the Government and the Government have asked for a review of that report – and that is what I am. (*Laughter*) The timetable, loosely, is that I would like to complete my report and get it back to the Minister, Mrs Poole-Wilson, by the end of the autumn, in advance of Christmas, essentially.

15 The other thing I need to make clear is that the Isle of Man legal profession is not a defendant. (*Laughter*) It is not *guilty* of anything and I am not looking to find out whether it is. (*Laughter*) But what I am trying to do is just enlighten myself about what goes on here, so that I can then intelligently make recommendations – or *none*, or some – to the Minister for her to digest the report. For all I know, and it has often happened in England, you do a report and the Minister puts it in delete hole. (*Laughter*)

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[REDACTED]

Q1. Lord Garnier: Yes. But anyhow, that is the point of this exercise.

25 Samantha and I came up here in May, where we had meetings with the Minister, with the Chief Minister, with Dan Davies, who is the senior civil servant who, again, is the person who has instructed me to get on with this work, and then we have seen Kathryn Clough, the President of the Law Society, who is a fellow partner of at least one of you, possibly – (*Mr Callin: Of me.*) Yes, exactly; Jeremy. So you will know anyhow, because you will probably all know Kathryn far better than I do. You will have had discussions with her informally, within the firm, (*A witness: Yes.*) as you walk down the high street, whatever it is.

30 So it has certainly been an interesting learning process for me and one of the reasons I was appointed is that I have had no connection whatsoever with the Isle of Man as a lawyer, at all. So I come at it as a blank sheet of paper, or as a clean slate or whatever you want to call it. At the last meeting, I found it most convenient just to address people by their first names, if that is all right, and please do the same. (*A witness: Yes, please.*) My name is not 'The', (*Laughter*) it is Edward!

35 And then what we did at the last meeting is I really spoke about, or asked them to speak about, the education system, the legal education system, how people come into the Isle of Man legal system as practitioners. We talked about continuous professional development – does it exist; is it working; and can it be improved; does it need to be improved? We looked at the complaints regulatory and professional guidance system within which they sit the Island's practitioners and

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what needs to be done about those. We touched briefly right at the end about what I called unregulated, but I think is technical regulated providers of services like will writers, non-lawyer immigration advisers, to see whether that is something that we need to think about.

45 The other thing we spoke a little bit about was the system of temporary advocates licences (TALs). It may or may not be that you will be more concerned with those than perhaps the lawyers we have just met have been, though I do not know. And again, almost out of a personal interest, rather than a review interest, is how accessible is Manx law? If you go to a set of chambers in England, you could just type in and up comes the relevant bit of law that you want to research on.
50 But there is not a Kemp & Kemp on personal injury for the Isle of Man. There is not a *Chitty on Contracts* for the Isle of Man. I know you can get online Isle of Man Law Reports, but the ability to access textbooks, what the law of the Isle of Man is, is a bit more opaque, I think. But it may not be an inhibitor to providing a good service.

So that is enough from me for the moment. What I was going to ask you – if I could just start with you, Kirsten, and then round to you – just to give a brief introduction for the record about who you are, which firm you are with, and what your practice mostly is concerned with.
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60 [REDACTED]: No, of course. (Lord Garnier: Kirsten.) I am Kirsten. I am a senior associate now at Cains. I have been there for the last three years, having qualified at another firm on Island. I am predominately based in the corporate and commercial team, but have recently expanded into the employment field, which is very interesting. I am coming up to six years PQE. So yes, that is me.

[REDACTED]

[REDACTED]: [REDACTED]

[REDACTED]

[REDACTED]

75 Lord Garnier: Jeremy.

80 **Mr Callin:** Jeremy Callin. I am the senior partner of Callin Wild. I have practised my entire career on the Isle of Man, just over 34 years as a local advocate, and born and bred on the Isle of Man. I do a wide range of commercial- and insolvency-type work and then spend the rest of my time actually looking after the administration of the business on a day-to-day basis.

I am also a former President of the Society, which I thoroughly enjoyed doing a number of years ago, and for my sins I also sit as a member of the Advocates' Disciplinary Tribunal (ADT), which again I have done for about the last 12 years. So I think I have got a fairly good view on both
85 sides; of the regulatory and actual practitioner side of things.

Lord Garnier: Thank you. [REDACTED].

[REDACTED]

Lord Garnier: Thanks; and then [REDACTED].

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[REDACTED]

110 Lord Garnier: Thank you.

[REDACTED]

Q2. Lord Garnier: Right. Well, that is good to know! *(Laughter)*

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Just again for clarity – you probably know this anyhow – I will just tell you who appeared before us between nine and 10.50: Aalish Hannan, who will be known to you, I am sure; [REDACTED], [REDACTED] Nadine Roberts; Mark Humphrey; Josh Quinn; and Steve Wood. So we had a spread of civil and criminal practitioners. But I think what we have got in front of us here are predominantly people who practise in the civil world, although you have just mentioned you are helping the prosecution. [REDACTED]: [REDACTED])

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Can I then begin by asking you to help me on the education; access to the profession from youngsters and even later entrants? Are you happy with the way in which people come to be qualified to practise in the Isle of Man? There has been discussion in England about access to the profession for non-graduates through what is called the solicitors' qualification exam (SQE), I think it is called.

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[REDACTED]

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Lord Garnier: You cannot at the minute, though you could and –

[REDACTED]

145 **Mr Callin:** Not quite, [REDACTED]. I can reference that I am the last person who was qualified on the Island under the old system, where you took a five-year articles, and they changed the rules actually while I was in articles in about 1986 or 1987. I qualified in April 1988. I was the last person admitted under the old rules. So I did five years articles.

150 From a personal experience, doing a lot of court work when I first qualified, I found that was a very good way to train, because I spent five years, or a lot of that time in court with, not so much my principal, but with people from the firm and it was great experience in terms of learning the ropes for being a court advocate in particular.

155 **Q3. Lord Garnier:** Yes. Certainly at the English Bar, it is no longer possible to be a non-graduate entrant, but there are contemporaries of mine – mostly retired now – who would have been non-graduate entrants to the Bar. But I think the rules for the Law Society and for the Bar changed broadly at the same time. Possibly the policy behind the thinking about changing the solicitors' entrance system is to allow a greater diversity of entrant, because it is expensive to train and –

[REDACTED]

165 **Lord Garnier:** But ... Sorry, [REDACTED]

[REDACTED]

170 **Lord Garnier:** Somewhere else, yes.

[REDACTED]

[REDACTED]

190 **Q4. Lord Garnier:** Do you find that the current stream of new entrants, who will all be of course graduates, because they have to be, are getting a sufficiently well-grounded legal education, not just when they come to train with you and sit with you as trainees in your firm, but the way they come to you? And is it a disadvantage that there is not a college here; they all have to go away to –?

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[REDACTED]

Lord Garnier: And do ... Sorry ...

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[REDACTED]: I was just going to say we have not struggled to find suitable people. We are in the business of selling time and therefore we need individuals whose time we can sell. In general, we have not encountered problems finding those individuals at various stages across their career. We routinely take trainees who are coming through the Manx education system, and we find

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good-quality applicants coming through that route. We also get a number of people who, as [REDACTED] alludes to, go spread their wings earlier in their career, go further afield and then end up coming back to the Island, who may requalify or not, but that for us is quite a fruitful source of recruitment. In addition, we have, when we have been in an expansionary mode, been successful in persuading people to relocate to the Island.

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In terms of the education, I think it certainly felt, when I qualified, that you were quite on your own in terms of educating yourself, really, as to what a lot of the Manx law you needed to know was. I think over the last 20 years there has been a significant improvement in the accessibility of resources and the structure around providing trainees with education to enhance the practical experience they get on the job. To be frank, from our perspective, we do not expect people who

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join us as articulated clerks, trainees, to be ready formed. We expect to have to contribute to their education in addition to what they get through the Law Society.

Q5. Lord Garnier: And would I be right in thinking that all of your firms are big enough for a trainee to have more than one seat, so you train under a different senior associate or train under a different partner or director, so that they get a wider experience of the work that the whole firm does?

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[REDACTED]

Mr Callin: I endorse what [REDACTED] said as well, but I would also add what we have done in the last couple of years is we have tried to also encourage one or two more mature entrants, people who have perhaps got a second career, perhaps someone who may have had children at a younger age, distance learning. So we have got one student at the moment with an Open University qualification in law. Struggled to find articles, but we thought we want to try and encourage that

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type of entrant – very keen worker, very hard worker – with a different approach to it. I think that is quite important: that you actually encourage people to have a second career in that regard, and that is an important aspect. I have had a couple of people like that just recently, which I think is usual, in addition to having 21-, 22-year-olds straight out of university, to have someone with some life experiences.

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Q6. Lord Garnier: This is not to undermine the value of what you are describing, but you can do that because you are a big firm and you can carry that (**Mr Callin:** Yes.) that way. Do you find there are more applicants for traineeships than there are places available?

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Q7. Lord Garnier: As regards education beyond coming into the profession, there is education in the sense of continuous professional development (CPD) within the cohort of qualified lawyers. It is a thing which has come in over the last 15, 20 years in the United Kingdom, and I guess it is a buzzword nowadays. Everyone needs to do it, it is said.

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Do you find, Kirsten, in your firm, and if I may say so, you are a little younger than [REDACTED] – (*Laughter*) I am not just talking about what happens at Cains, but within your colleagues of a seniority in the legal profession, that you find whatever continuous professional development happens is formal, and not just a thing we have to do, let's tick the box, send it back to whoever, but is also useful and helps you improve as a provider of legal services and, as [REDACTED] says, a seller of time? We are in the business of monetising, don't let's get too prissy about this, but do you find that the system of continuous professional development as currently described is adequate; could be improved; is going in the wrong direction?

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[REDACTED]: From my own perspective, it is certainly encouraged in the firm. It is not mandated in terms of the Law Society. Correct me if I am wrong, it is not like accountants, where they have a set criteria of CPD they have to do per year, that they then have to account to their professional body, which is a tick-box exercise. You find that people are just putting on webinars and seminars just to tick that hour box, just to get them to the criteria to meet those requirements.

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I have not found that in my experience any CPD that I have done has been actively encouraged. I have sought it out myself for my own professional development in the areas that are relevant to myself, as opposed to just clicking on any webinar just to say I have done an hour of CPD this week.

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In terms of whether it could do with reform, yes; everyone should be encouraged to continue their professional development, improve, keep up to date with new legislative changes and just general market practice. I think one of the ideas in the UK – correct me if I am wrong – there is a requirement that you have to provide your CPD to the SRA, whereas here obviously we do not have that. Perhaps there is something where we could be personally accountable for our own CPD that can be checked if requested, but otherwise it is just encouraged that there is a set standard that is expected of an advocate in our jurisdiction.

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Again though, it is trying to find CPD that is relevant to Manx law, not just generally international, although I appreciate, especially in the jobs that we do, there is an international element that we do need to keep ourselves apprised of. So it may be easier from the corporate side of life.

[REDACTED]: But I do not think a regime which –

Lord Garnier: Is overly bureaucratic, would be ...

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[REDACTED]: – effectively drove the creation of a box-ticking industry, where people were putting on seminars etc. that they perceived people would purchase just because they needed to tick that box would be productive. Because the areas in which people at the Manx Bar practise are so diverse that a one-size-fits-all continuing professional development programme would be unworkable for a Bar this size. The onus should be on the individual to ensure that they are up to speed with their individual practice areas.

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[REDACTED]

Lord Garnier: Yes.

[REDACTED]

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Q10. Lord Garnier: I should have asked you at the beginning, or perhaps you told me and I did not catch it, I know you are all lawyers and you give advice to clients, but do any of you, as well as wearing your solicitor's hat, actually appear in court as advocates as well? Or do you not?

[REDACTED]

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Lord Garnier: You do, yes.

Mr Callin: Yes, I do as well. (**Lord Garnier:** Yes. And –) Less so today than I used to, but at one time it was everything I did.

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Q11. Lord Garnier: Do you find that young members of your trainee team – or even late entrants, it does not matter – are getting sufficient exposure to advocacy, so that if they have to go to court, they do not know how to do it, they know how *not* to cut corners, how *not* to be professionally dangerous in –

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[REDACTED]

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[REDACTED]

Mr Callin: I think it is also true though that whereas a number of years ago people came into the profession, they would do some court work, they would do some private client work, they would do some commercial work, certainly all the students that we have coming through these days, and probably have for the last 20 years, know at the start they either want to be court advocates or they want to be in the office doing commercial work or client advisory work or whatever it is. And we tend to try to identify because we know what we need, so we will talk to people who have a particular interest in becoming advocates, as opposed to simply the solicitor side of the profession.

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We certainly, as a firm, are very keen to make sure that if you are training to be a court advocate, you get into court with your principal or one of the other partners on a regular basis, so you can see how to address a judge which, sadly, I have seen youngsters come through who frankly do not even know how to address the judge and that can be embarrassing. I think it is very important, and that is a responsibility on the firms and the senior members of the Society. That is not, I do not think, a matter of making rules to that effect. We should all know how to train our students so that they can then speak properly to a judge and articulate an argument.

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Q12. Lord Garnier: It is a benefit, but it is also a problem, because of the size of the jurisdiction, there are not many of you and there is not a big enough population to sustain a self-standing law college. Jersey has one, I think –

[REDACTED]

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Q13. Lord Garnier: Yes and so you latch on to Jersey to get the best out of them and no doubt you can latch on to other remote learning systems as well. ([REDACTED].) But within that system, do people get advocacy training? I appreciate not everyone wants to be an advocate, but those who you want to be advocates and will be representing the reputation of your firm in the court, do you find that there is sufficient on-Island advocacy training?

[REDACTED]

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Q14. Lord Garnier: Do you find that the judges, the Deemsters, from the First Deemster downwards, are they interested in giving afterhours lectures or afterhours talks or –?

[REDACTED]

[REDACTED]: They do. Most recently Deemster Cook has assisted with the mock court and Her Worship Jayne Hughes also regularly assists with mock courts for the junior Bar, who are

450 encouraged to attend as part of their training articles. Vicki Unsworth, who is the Education
Secretary, actively encourages junior members of the Bar to attend – and newly qualified – to get
that experience and the feedback from the Deemsters and the judges that are there. It is a really
good insight as well and also hopefully would address issues like Jeremy says, where you have got
455 juniors coming up before the court who do not even know how to address the judges. In those
situations, that is where they can test their skills and get that feedback.

[REDACTED]

460 **Lord Garnier and [REDACTED]:** Yes.

Mr Callin: I have known every First Deemster since Deemster Luft in the late 1970s, early
1980s, and to be fair to Deemster Luft, he would not have educated anybody. He would not have
given a lecture to anyone. He was not that type of judge. But Deemster Corrin onwards, they have
all given their time to help train –

465 [REDACTED]

Mr Callin: They all give a great deal of their time for that.

470 **Q15. Lord Garnier:** Think of a terrible case, where an English barrister behaves badly or
incompetently in court, the judge will say, ‘Just remind me who your head of chambers is’ and
then late afternoon, the head of chambers will get a telephone call saying, [REDACTED] just really
messed up today, get him sorted.’ Is that something that ... of course, none of your students and
young lawyers would ever mess up, but could you imagine a presider over a trial ringing up you as
475 senior –?

Mr Callin: I have had a call like that in the past, yes.

480 **Q16. Lord Garnier:** Yes, and are you able to anticipate that? Do you have sufficient systems
within your firms not to send somebody who is not yet ready into court to do something beyond
their capabilities at that stage?

485 **Mr Callin:** I think it was more, the instance I am thinking of, a case of the judge just thinking
the junior was not sufficiently senior for the particular matter which transcribed before them. But
yes, I have had an experience of a judge phoning up and saying, ‘Just perhaps give him a talking
to and make sure he’s better prepared next time.’

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Q17. Lord Garnier: That is fine, and that was kind people wanting to protect him and help him, and presumably also to protect the reputation ([REDACTED].) of the profession as a whole, but that is an informal system. Do you think that is fit for the modern Isle of Man legal sector?

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[REDACTED].

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[REDACTED]

Mr Callin: I think the Society does probably need better powers ([REDACTED].) in order to be able to regulate and to intervene. There is a very high threshold, as I am sure you will be aware, and for the Society to intervene in a practice is a *big* ask. I think that there probably is the need to improve the regulation so that Council, or the President or the Vice-President, has some wider powers in that regard. I do think that would be helpful.

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The days when people would have co-operated, without wishing to talk about my own personal examples, but when I was President there were a couple of firms that had problems, I spoke in both cases to the partners concerned, they were sole practisers and we were able to sort things out. You sometimes get the feeling in today's world that people are not quite as willing to do that, unless there is actually a formal regulatory framework in place to do it. ([REDACTED]) There is more reluctance perhaps to go down that type of informal road and therefore I do think the Society would benefit from having slightly better regulation in that regard.

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[REDACTED]

Q18. Lord Garnier: I suppose that what you are talking about, and again, I do not mean to be derogatory, is a 'good chap' system. Everyone knew that if a chap was in trouble, it was our job to help him to get out of trouble, because it was not good for him or his family, but it was not good for all of us. And as things become bigger, more expensive, the consequences of getting things wrong are, economically, much more serious, it may well be that the sort of new regulations that you are talking about, whilst inconvenient and not what we grew up with, are things that, reluctantly, we may have to think about. (*Interjection*)

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I was wondering if you had ... I do not necessarily need an answer right now, but if you had a moment to just put down on an email, and any of you please do this after today, during the course of the next few weeks, ideas where you think the regulations that the Law Society currently has might usefully be (**A witness:** Yes.) amended or updated or modernised or whatever it is, to fit the modern Isle of Man legal services sector, that would be very helpful to me. Because what I do not

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555 want to do is to make recommendations and then you read them and say, 'Well, look, we do that already, why have you done that?' Or, 'Well you've missed a trick here. Have you not spotted that we ...?' – whatever.

560 So any information that you can give me in amended regulations which would suit your firm or your sector of the commercial legal sector or the high-end criminal, or whatever it is, which would be useful to be considered, that would be useful. As I understand it, the Law Society could by its Council change its own regulations? It does not require legislation from here to do it or is there a mix?

565 **Mr Callin:** It requires the consent of the First and Second Deemsters [REDACTED] **Lord Garnier:** Yes.) for a lot of it, for its day-to-day regulatory, but obviously any amendments to the Advocates Act, they obviously require Tynwald's involvement. Or any other formal secondary legislation would also require Tynwald's approval.

Q19. Lord Garnier: Right. Well, again, if you have got further thoughts on that, I would be really pleased to hear them.

570 That moves me on to client complaints. Of course, none of you ever get those. What I do not mean is the sort of complaint which would lead to an action for professional negligence or similar. It is just a client feeling that they have been ill-treated, rudely spoken to, neglected in some way, which is short of a disbarring offence, but they want something done about it.

575 Obviously the first thing you do is you go back to the individual solicitor or lawyer that you were instructing, and then take it to the senior partner and then take it possibly to some form of Law Society conciliation system and, if necessary, to the Advocates' Disciplinary Tribunal. So the thing gets more formalised the ... But do you feel that the lay public who you serve are able easily to understand what they can do if they are dissatisfied?

580 You have got letters of engagement, and I guess in your practices they are likely to be read rather more carefully than perhaps if you did an entirely low-end crime practice, where some of the people might not be quite so ready to read things. But do you find that your clients understand them, take them on board or is it, 'Oh, yeah, thanks. I'm more worried about what you're going to charge me, rather than how it's going to go wrong'?

[REDACTED]

█ [REDACTED]

610 **Mr Callin:** That is certainly correct and I think the Law Society does have plans to try to introduce more of, to use █'s word, a sifting system so that there is a more low-level, informal complaints procedure, where a number of less serious issues can be addressed. They should not all be coming to the Advocates' Disciplinary Tribunal, a lot of cases. They are not appropriate. complaints about people not returning phone calls or not replying to letters within seven days: frankly, those should be able to be sorted out in some other way –they should be sorted out internally, obviously.

615 But yes, █ is right, there should be some form of system in that regard, and as I understand it from talking to Council, they do have some plans along those lines at the present time.

[REDACTED]

620 [REDACTED].

Mr Callin: It does work.

625 [REDACTED]

630 **Q20. Lord Garnier:** I do not think I am breaching a confidence: Kathryn Clough was saying yesterday that the Law Society is wanting to update its public-facing website bits about what to do, how to go about it and so forth, and she had had a look, and I am sure you all have, at the Scottish Law Society's website, which she says was a considerable improvement on the Isle of Man's website, which she described as 'clunky'. I am sure she was not ...

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

650 **Mr Callin:** I guess it is probably also true that for most members of the public, and I am not talking about a highly educated silk who has been annoyed by something that has happened to him in dealing with an Isle of Man advocate, I am talking about the average lay client, the options and openness and ability to complain are very clear. All firms have their own procedures in place, they all adopt those and in my experience follow them very clearly and investigate all complaints.

655 If you then go to the Society, they investigate, the conciliation service, as █ mentioned, is available, and Mr Cochrane, the conciliator, does a very good job to try to resolve issues. And ultimately the Tribunal is there and certainly I know our Clerk works very hard to help members

understand the procedures, completing forms, assisting in whatever way they can – obviously not giving legal advice, but assisting as much as possible.

So I think the opportunity for people to make a complaint against an advocate is there, it is fairly transparent and it is fairly clear.

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Q21. Lord Garnier: Do you think it would be helpful, again, from the public perception point of view, if there were a greater element of lay participation in the conciliation or the ADT systems, or do you think it ought to be lawyers judging lawyers?

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Mr Callin: The ADTs consist of a legally qualified but non-practising chairman, two lay members, who are appointed by the Office of Fair Trading, and two advocate members who are appointed by Council. At the moment, it is myself and one retired advocate. The two members of the OFT have both been appointed relatively recently. One sat for about six years, the other is a recent appointment following an untimely retirement and death.

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So that does get a good lay input and I personally find the thought processes and the approach taken by the lay members is *extremely* helpful and very enlightening. They understand the issues and they deal with the issues very well.

Q22. Lord Garnier: That is good to hear.

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I guess you all work in larger firms, so you have got enough personnel within your firms to be able to, if advocate A is the subject of a complaint, then somebody in a separate division of the firm or a separate person can try and help. But if you are in a one- or two-member firm, is that a problem that you see –?

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

690 [REDACTED]

Q23. Lord Garnier: Would you have an informal, permanent relationship with that advocate?

■ [REDACTED]

Mr Callin: I would not say it is a common thing, but certainly it is something I am aware of. I have helped people out on a couple of occasions like that. So I know it does happen quite regularly.

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Q24. Lord Garnier: Could I just briefly touch on the unregulated ... these will writers and immigration advisers. Talking to the group before, this morning, I mentioned how the English Law Society had run a campaign against these unregulated or non-legal will writers a few years ago because it was a growing problem. There were lots of people getting in touch with consumer

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programmes like *You and Yours* and so forth saying, 'Granny's will is badly written and now there's nothing left' or whatever else. They gave me the impression that this was not a big problem here.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

Q25. Lord Garnier: The other area, which might be interesting to you, [REDACTED], is the immigration advice.

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■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

815 **Q26. Lord Garnier:** And should it be considered by this Review? Should it be considered by the Law Society? Should it be considered by the political Government of the Isle of Man?

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

845 **Q27. Lord Garnier:** Has this been accelerated by the UK's coming out of the EU, or does it not make much –?

■ [REDACTED]

855 **Lord Garnier:** Your paper I am sure has been brilliantly written and I would be very pleased to see it so ... *(Interjection and laughter)*

860 [REDACTED]

Lord Garnier: That would be useful, because that will give me some meat to –

[REDACTED]

865 **Q28. Lord Garnier:** Obviously you are an immigration law specialist, but you were indicating that the will writing is there, but not as serious as the ...

[REDACTED]

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Mr Callin: It is also, I think, in terms of enduring powers of attorney as well. (*Interjection by [REDACTED]*) There is another issue there which obviously, again, it may be 20 years, but it could be sadly only a fairly short period of time and if there is a problem of the enduring power of attorney that obviously leaves both the individual and the family in considerable distress.

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[REDACTED]: I am not familiar with these particular examples, but I think there are some general issues around the perimeter of what are Isle of Man legal services, how they are policed and how those who use them have some recourse as to the quality and robustness, and the PI cover is available etc.

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In my own practice areas, primarily corporate transaction work, we routinely see instances where people who are not lawyers are providing clients with legal opinions in relation to matters of Isle of Man law. An example would be corporate service providers who are licenced to undertake corporate services work, but who are not lawyers, who are not subject to any professional oversight, who do not have mandatory professional indemnity insurance and who are providing opinions on matters of Isle of Man law that unsuspecting clients are relying upon to undertake significant transactions.

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[REDACTED]

Q29. Lord Garnier: That is an interesting development, starting off with will writers. (*Laughter*) No, I am –

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[REDACTED]

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Q30. Lord Garnier: That is interesting.
We touched a moment ago on temporary advocates' licences, and you mentioned the not-very-useful criminal barrister you had to get rid of –

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Q31. Lord Garnier: Do you find the system is working adequately to enable clients to be properly and suitably represented in the courts or on the giving of particular advice about matters?

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Mr Callin: I certainly think on the whole the system does work fairly well. If you are involved in a large commercial litigation and you need the assistance of leading counsel or junior counsel, in most cases that is available through the TAL system. Deemster Corlett, and previous First Deemsters, have always been very protective, quite rightly so, of the local Bar and do not grant them just –

Q32. Lord Garnier: On the nod?

965 **Mr Callin:** On the nod – precisely. I am involved in a situation at the moment where there is a senior and a junior licensed for the forthcoming hearing and one of the parties made an application for a second junior, which we objected to, and we said it was not necessary, and Deemster Corlett agreed. He said you have got a Manx team, you have got senior and junior counsel licenced, there is no need to have a third licenced counsel. Obviously, by all means, he or she can come along and assist at the hearing, but not necessarily under a licence.

970 So I think the system does work very well and in the unusual situation where you have got someone who cannot – I am not talking about commercial litigation, where a member of the public – get representation locally, which does not happen very often, then the TAL system again, with assistance, can work quite well [REDACTED] for that person to get a licence, probably in those sorts of cases, more likely for a criminal; a criminal junior or a criminal senior. But on the whole it works very well, in my personal experience.

[REDACTED]

980 [REDACTED]

985 **Mr Callin:** You possibly remember [REDACTED], when he was one of the inspectors of Savings & Investment Bank, which went bust in the early 1980s, and when it came to I think appearing before Deemster Luft, who we touched on briefly earlier, he was not having any of [REDACTED] – as he was at the time – appearing on behalf of himself and the inspectors because he did not have a licence to appear. In the end, he accepted that [REDACTED] was entitled to appear as one of the inspectors – he appeared not as counsel, he simply appeared as one of the inspectors – but that was an argument that happened, I think in about 1983. I was barely in articles, but I remember it happening and [REDACTED] not being very happy about the fact that he briefly was not allowed to actually appear in court in his own right.

995 **Lord Garnier:** Well, it is a different jurisdiction ...

Mr Callin: Absolutely. Precisely.

1000 [REDACTED]: I am reliant on comments from my colleagues who practise in dispute resolution for this, but based on their reports they think that the current system works well. Obviously they take the view, as I think we all do, that it is essential to have a robust, independent Bar and therefore the onus should be on those seeking those licences to establish (**Lord Garnier:** Need.) why it is necessary in those circumstances. Where it is appropriate, their experience is that the licences have been granted.

1005 **Q33. Lord Garnier:** It occurred to me while we were talking that there was a fashion a little while ago in London for the government or somebody to encourage these one-stop shops, multidisciplinary practices. I do not know what has happened to them in London, whether EY would say, 'Right, we can not only be your accountant, we can be your business consultant. We can be your ...'

[REDACTED]

1015 [REDACTED]

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[REDACTED]

Q34. Lord Garnier: Yes. But there is not a move amongst other professions to, in quotes, 'muscle in' on your, or to steal your, partners?

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Mr Callin: There was a move, I think you mentioned, in the early 1990s to have a fused professions between accountants and lawyers. We had a special general meeting (SGM) about it – I cannot remember exactly what year it was – and it was voted down by the members. There was also a proposal at one stage for firms to be able to merge with English firms of solicitors. Again, there was an SGM on at of the Society, which again was voted down. Again, I am saying early 1990s, I remember it happening, but I would have to check the records.

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[REDACTED]

Mr Callin: That was a lot more recently, though. That was a lot more recently.

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[REDACTED]

Mr Callin: Yes.

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Q35. Lord Garnier: I understand that it is not possible for a non-Manx lawyer to be a partner of a Manx firm. So if I were to come over here and work for one of you, I would have to be employed by you, I could not become a consultant to or –

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[REDACTED]

Q36. Lord Garnier: I will just do the easy ones. *(Laughter)* But is that a cause of friction between you and other lawyers coming in ...?

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[REDACTED]: Very occasionally we have recruited a number of foreign qualified lawyers over the years. They have been great performers for us. Inevitably, one or two of them say, 'Well, I don't really want to have to sit these exams, I would prefer it if I could progress in this career plan without having to requalify as an Isle of Man advocate.' But obviously they are told that is not the way it is. If you want to (**Lord Garnier:** Practise here ...) be a partner in an Isle of Man law firm, you need to be qualified in the Isle of Man. But yes; they grumble about it and then sit their exams!

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[REDACTED]: The current system does discourage talent and retaining talent based on that. Like you said, if they do not want to take the exams, they either do not progress within the firm or they leave. So it is discouraging retaining talent and attracting talent to the Island particularly. I think there is quite a discouragement between litigation and corporate.

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So like you said, [REDACTED], good point to talk on this – same as [REDACTED]. Some of my colleagues are fantastic corporate lawyers, they have trained at big firms in London and internationally, they have done their service, they have worked on the Island for 10-plus years in Manx law and, to their credit, are, in my view, fantastic to the jurisdiction in the Isle of Man – and they are restricted

from progressing in their career unless they take the exams. The exams have notoriously not had a good structure, they would have to sit civil exams, criminal exams – they are corporate lawyers. They are never going to go into court and do a criminal case. So it is preventative to them from progressing in their career.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]: But that is the firm as a whole that would provide that service.

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[REDACTED]: There is a mixture of Manx advocates and also non-Manx advocates. I appreciate the Scottish analogy, but is this the Isle of Man, and are we trying to be a progressive jurisdiction and attract talent? We are in competition with the Channel Islands. It is something that perhaps we may decide that we want to take our own view on, as opposed to, 'Well, that's how it's always been done in England and Wales and Scotland, let's just follow that.'

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[REDACTED]

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[REDACTED]: Yes, I agree.

[REDACTED]

[REDACTED]

Mr Callin: I also think there is an issue there in terms of the Master Policy that we have, which is very important that we keep the Master Policy. I think if we abandon the Master Policy we would never be able to go back to it and whereas certainly a lot of large firms may find they were at least as well off, if not better off, without the Master Policy across the board for the whole of the profession on the Isle of Man, it is beneficial. There is no question about it.

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If you had non-Isle of Man advocates being admitted as partners in some firms and not in others, I think there would be issues from the PI perspective, the Master Policy, and it is something you would have to look at very carefully with our brokers and with the broad market as to how that impacted on it and whether or not you are then talking about can you have English barristers admitted as partners, English solicitors, Scottish solicitors, French attorneys, where you draw the line, and how that then plays into the PI aspect. So it is a *big* issue. It is not a small issue.

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Q37. Lord Garnier: But to take [REDACTED]'s point, is there an argument to be made, and is it being made, that instead of having to do the whole Manx qualification, if you are going to do a restricted practice of the sort that [REDACTED] described, should I not just take the company law bit, the

1120 something-else law bit, the accountants bit, without having to do the crime bit or the family law bit?

[REDACTED]

[REDACTED]

1135 [REDACTED]: Just taking your point, [REDACTED], and I do agree, and I obviously appreciate where you are coming from, but like you said, you have obviously transitioned and you have changed your practice, but I am a corporate lawyer. I do not pretend and profess to be a criminal lawyer, and that would be my limitation and I know my limitation. I would not just go out and advocate myself to be a criminal lawyer. I would hand that over to the relevant parties who could actually advise on that area.

[REDACTED]

1145 [REDACTED]: Or like asterisk or ... yes, there would be a limitation to your certificate, but then without the restriction of you progressing in that field, in your career, in your firm long term.

[REDACTED]

1150 Q38. Lord Garnier: I am just wondering, in practical terms, taking on board the points that both of you are making, how big a problem is it? The title of being partner of a great law firm is important, but one of the advantages of being a partner in the law firm is you get remunerated as a partner. But what comes with it also is the responsibilities of a partner. If you are a non-Manx qualified, highly competent corporate lawyer, you can compensate for the loss of the title 'partner' by paying them as though they were a partner.

Mr Callin: Absolutely.

[REDACTED]

1165 *Mr Callin:* Yes. In my experience, it has never been a problem. People who want to become partners, certainly in my experience, in my firm, have always been very happy to requalify, and that has never been an issue. I appreciate it is an issue with one or two people – I am not saying it is not – but certainly in my own personal experience, it has never been an issue at all.

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[REDACTED]

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[REDACTED]

[REDACTED]: You can, but there is a difference between being able to sit around the table and make decisions about the strategy and future direction of a firm, and there is, bluntly, being an employee and remunerated, even if it is to a salary or in some sort of quasi-equity way. You are still not in a room with an equal seat at the table, and I do not understand why somebody who was not a partner –

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Mr Callin: Because you are not qualified in the Isle of Man.

[REDACTED]

1210

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1220

[REDACTED]

[REDACTED]

Lord Garnier: Well – [REDACTED], please.

1225 [REDACTED]: I hear what [REDACTED] and [REDACTED] are saying, and I do have some sympathy with it. In my experience, I think the overall impact of that state of affairs is probably overstated. I have come across very few instances – I cannot think of one at all – where somebody has decided they would otherwise have relocated lock, stock and barrel to the Isle of Man but for this requalification requirement. We have employed many good lawyers qualified in other jurisdictions who have done a tour of duty in the Isle of Man and they have worked here for a while, they have not requalified and they have left. But I know in all cases they did not leave because –

1230 **Q39. Lord Garnier:** They could not become a partner?

1235 [REDACTED]: – of the rules about requalification in the Isle of Man. They left because that is what they wanted to do with their lives. So I suspect it is easy to overstate the significance of that particular factor.

1240 **Q40. Lord Garnier:** I think at the very least I have learnt from this most recent conversation that there is a diversion of views and there are questions to be asked and we will discuss this in the report. Whether I come to a view about it or just leave the question on the table, (*Laughter*) in that helpful way that people occasionally do, is something that we can come to in due course.

1240 Could I just finally, and do not let me shut down that area of conversation if there is more ... [REDACTED], if you want to have another go! ([REDACTED]: No!) (*Laughter*) You have the right of reply.

1245 One of the things that has struck me is that it is quite difficult – and I speak as an outsider – to find Manx law. I used the old chestnuts in the previous discussion, with the previous collection of lawyers: I can go to the *White Book*, I can go to *Archbold*, I can go to Kemp & Kemp and find out about personal injury cases, I can go to Rayden on family law or whatever the relevant Chitty and *Chitty on Contracts*, or whatever it may be. Clearly, this is a smaller jurisdiction. The economics of publishing textbooks and so forth just specific to Manx law do not make sense.

1250 I gather I could, if I wanted to, look up Manx judgments online, but if I were to go into court tomorrow to do a strike out in a civil case or to do an abuse application in a criminal case, is it something I could just do relatively easily by looking up the practise, looking up the legal precedents and the authorities that would have appealed to the judge in this particular application, be it a criminal or a civil jurisdiction, or is it all in your heads?

[REDACTED]

1270 **Mr Callin:** But there is an awful lot of the argument about knowledge. The old concept of a Deemsters, conduct breast law, which was literally in their breast, historically. The Deemsters were imbued with this knowledge that was simply almost handed down, which obviously in today's world is not (*Interjection by [REDACTED]*) the case. But certainly, within a small jurisdiction, that was the old concept. It is still part of the swearing-in ceremony for the Deemsters.

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Q41. Lord Garnier: Does that lead to unwittingly wrong decisions at first instance, which then have to be corrected, and therefore you are taking a lot of expense of time?

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Q42. Lord Garnier: But if I am sitting as a judge here, particularly if I came in here as a Panel Deemster, I would be relying on local counsel hugely to advise me on what the state of the law (Mr Callin: Yes.) in this particular area, (Interjection by) controversy would be. But can I be sure that the advocates in front of me have had access to what they need to know in order to address me, to enable me to make a decision?

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: I believe so. I think the accessibility of a body of Isle of Man law is much greater now than it was previously. It is more robust. rightly highlights secondary legislation, which can be elusive, and I have seen occasions where it is downright misleading as well, (Lord Garnier: Really?) because what purports to be up to date is not up to date (inaudible) and has been superseded. That does ... [Inaudible] but I think access to the primary legislation is now ... it is accessible, it is robust. Add to the judgments is also (A witness: Good.) ... [Inaudible]

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1320

Mr Callin: Sorry, I was going to say I think also most of our firms have quite good libraries. Certainly I know Appleby – formerly Dickinson’s – Cains have been around a long time. My own firm, we trace our history back over a hundred years. We have got books in our library which were published in the 1850s, 1860s, original statutes, and there is a huge source of information which is available. I appreciate that is not available to the layman – that is not, with respect, our problem as such – and obviously within the courts there is a great library which is available to the Deemsters and obviously the Panel Deemsters. And we spend – I am sure my colleagues all do – a lot of money on making sure that the library is up to date with both English authorities, English case books, and whatever is available in the Isle of Man.

1325

Mr Callin: Yes.

[REDACTED]

Q43. Lord Garnier: Well, that is good to know.

1340 Are there other points? [REDACTED], you have been listening with care to all that has been going on around you. Are there any points that you would like us to be aware of before ... and of course, I repeat, if there are things that occur to you afterwards and you have written your piece there, which I hope you are going to send to us, and I hope all of you will feel entirely free, and to get your colleagues in your firms to get in touch with us with particular ideas that occur to them or to you. But are there any things that you would like to get off your chest now which we ought to think about and could get onto the record, before we say goodbye to each other?

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Let me go round the room: [REDACTED] – and we can go around again, if it ...

[REDACTED]: No further comments from me.

1350 **Q44. Lord Garnier:** No. [REDACTED]?

[REDACTED]

1360

Q45. Lord Garnier: Jeremy?

1365 **Mr Callin:** I think all I would like to add, really, is on the whole, having been around for quite a long time, longer than most of my colleagues – even [REDACTED], I think – on the whole, the Law Society works and the Manx Bar works.

1370 There will always be one or two instances where it does not assist an individual, there will be someone who is not happy with it; that will always be the case. There is no doubt about it there are improvements needed across the board in terms of education, regulation and one or two other areas as well. But, in general terms, I think it does work well and it has worked very well for both members of the public and the members of the profession – extremely well.

Q46. Lord Garnier: [REDACTED], do you want to ...?

1375 [REDACTED].

Q47. Lord Garnier: No. [REDACTED]?

[REDACTED]

1385 **Q48. Lord Garnier:** So [REDACTED]'s powers of advocacy have had some effect this morning.
(*Laughter*) [REDACTED], what ...?

[REDACTED]

1405 **Lord Garnier:** I have not been noted in my past for being hugely revolutionary. (*Laughter*) But who knows? Things could change. (*Laughter*)

1410 I am immensely grateful to all of you, because you have given up a lot of your very valuable time this morning to come in and talk to Samantha and me. So thank you very much indeed.

1415 The last point you made, I take entirely. I get the impression from speaking to the President yesterday that she is very acutely conscious of the outward-facing bit of the Law Society, but equally – and I do not think when Jeremy was President it would have been any different – it does require a lot of work from volunteers who have got busy practices to go and work, if not full-time, but certainly take up a lot of time working within a small island law society. So I think one has to tip one's hat at the people who do it; work on council, work as presidents and vice-presidents and so forth. But I will certainly want to highlight the charitable role and the non-legal work that the lawyers in this jurisdiction do for the benefit of people.

1420 And equally, I would be interested to find out – and I have put out feelers to see if I can find out – what is the size of the legal economy. What is the revenue; tax revenue? What is the turnover? What is the employment? What is the economic benefit that the lawyers of this jurisdiction, both those of you who are Manx qualified and those of you who are working here but are not Manx qualified, bring to the economy for the well-being of the people? There would be no hospitals, there would be no roads, there would be no fire service, there would be no state schools if it were not for the taxes and the work that you bring into this jurisdiction.

1425 So never ever, it seems to me, and I am speaking as an entirely disinterested reviewer as opposed to an advocate, never ever sell yourselves short about the things that you do for the people of this jurisdiction, because it is huge.

1430 I hope that you will, as I said, not feel inhibited to give me other ideas, send me more material,
if you think it is appropriate, either directly or from colleagues at work, because the more I know,
the more I can produce a better report which would be suitable for the people that we all want
to serve, which is the people of this Island. But thank you again for giving up your time.

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Mr Callin: Thank you very much indeed.

Review of Legal Services in the Isle of Man

IN PRIVATE SESSION

Chair: The Rt Hon the Lord Garnier QC

Assisted by: Samantha O'Brien O'Reilly, Barrister

Session 3

Thursday, 28th July 2022

Legislative Council Chamber,
Douglas
Isle of Man

Individuals who seek/have sought access to the Manx Bar

EVIDENCE FROM

[REDACTED];
[REDACTED]; and
[REDACTED];

5 **Q1. Lord Garnier:** ... I was appointed by the Minister, Mrs Poole-Wilson, to review aspects of the Isle of Man legal system and one of the things I particularly wanted to look at was the way in which people come into the profession. And I know, because I have read your mini-bios, that you have had similar but not entirely identical routes into the Bar.

10 Just a couple of points: Niamh works for the Department of Home Affairs, so she is essentially my instructing solicitor as far as this is concerned, working with Dan Davies, who you may or may not know, and there is a *Hansard* reporter, which is saving us from taking a detailed note. At the end what we have arranged is that – when I say at the end, not at the end of this afternoon, but at some stage – the transcript will be circulated, so if there are things you want to correct in the things you have said today well that is when you can do it.

15 Samantha O'Brien O'Reilly is in the same Chambers as me. She happens to be a member of the English Bar as well as the Dublin Bar, so she is very confused. (*Laughter*) I am a member of the English Bar as well as the Northern Ireland Bar, so we cover everywhere but Scotland, I am afraid.

But one of the points of my being appointed is that I have no connection with the Isle of Man. I am not a member of the Manx Bar, I have not practised here so I hope I can bring a reasonably disinterested and dispassionate approach to the things that we have to look at.

20 First of all then, I am me, and Samantha is as I have introduced. I know you have very kindly provided ... but for the record it might be helpful, [REDACTED], if you could just explain who you are, what stage you have got to in your career and so forth.

25 [REDACTED]: Yes, hello I am [REDACTED]. I am a trainee advocate at M&P. I am fairly new into it, only a couple of months in. I have studied law for about six years in various different jurisdictions, so I have experience academically but am very new to practise.

30 **Q2. Lord Garnier:** Thank you. And I should say, we had a colleague of yours here this morning.

([REDACTED]: Josh.) Yes, exactly, which was very helpful.

And then Emily.

35 [REDACTED]: Hi, I am Emily. I am at BridsonHalsall Advocates. I have just passed my exams in May, the Bar exams, so I am a year into my training now. I am due to get called next July.

I am practising in a wide range of areas at the moment, so I am taking work from all of the advocates, just to get all the training under my belt really and to see what I like at the end of my training period.

Q3. Lord Garnier: Thank you. And [REDACTED].

40 [REDACTED]: I am [REDACTED], I work for Hannan Law and I have come to law obviously later in life, in a different route to the others.

Six years ago I decided to have a change of direction and studied law remotely through the Open University, whilst also working for Hannan Law, for Aalish. So I did that for two years and

then I did the LPC whilst continuing to work at Hannan Law, also remotely through the University of Law, and then I passed my Manx Bar last May, so I am due to be called in on 8th September or thereabouts. So that is my route into it.

Q4. Lord Garnier: But although you were a later entrant than the other two you could have, with your 19, 20, 21-year-old undergraduate qualifications, if you had wanted to you could have come to the Bar or become an advocate then rather than choosing to go somewhere else. Am I right you read history at ...?

██████████: I read history at Oxford. I graduated from there in 1989.

Q5. Lord Garnier: So if you had wanted to take 'the traditional route' in ...?

██████████: Yes, if I had done the traditional route at that stage I would have gone to Chester College of Law or Chancery Lane to do law. In fact, I did actually start at Chancery Lane after I left Oxford and at that time in my life, I was 20, I had graduated at 20, I was very young and it was not the right stage for me.

I moved to the Isle of Man and I worked over here for 25 years and then I have kind of gone full circle, back again, but done it in a different route and obviously I would say I am the eldest trainee on the Isle of Man! I may or may not be, I do not know, but I am very pleased that I have done it now. (**Lord Garnier:** Good.)

I do family law, which is what Hannan Law specialise in, and basically I have done that since I started. Also we have just expanded into personal injury and we have taken on a new ... who was an English solicitor and I did the Manx Bar with her, she has recently joined Hannan Law and so we are now setting up a personal injury and clinical negligence department. It is good.

Q6. Lord Garnier: Well, thank you all very much.

We have had two sets of meetings this morning – and Aalish was there this morning – first of all with people who practise entirely within the domestic Isle of Man scene and then we have had another group of people who were doing predominantly commercial law, and although they were Isle of Man qualified, they were doing offshore work as well, although one of them was concentrating more on the sort of high end crime rather than ... but I got the impression that quite a lot of the stuff he does has a civil twist to it as well. And now we have got you, which is extremely helpful.

We have discussed in our earlier meetings broad themes like the educational requirements to come into the profession, continuous professional development once you are in the profession. We have discussed the complaints procedure for clients about their lawyer and whether that has been adequately dealt with by both the Law Society, but also by individual firms.

And then we have discussed various non-legal services but of a legal complexion, for example, will writers and immigration specialists who are not members of the Law Society but nonetheless provide, sometimes rather controversially, a service which is quasi legal.

We have discussed Temporary Advocates Licences and then, a little bugbear of mine, we have discussed access to the corpus of Manx law. Where do I find it? How do I find it? And so forth. It may well be that much of the stuff that we have discussed this morning is not relevant to your experience, although it may well become so as you move into partnership and move up the hierarchies within your own firms.

But I wondered if I could start on the education side, particularly the coming into the legal profession on the Isle of Man. I know your three respective histories but do you think it is essential that everyone wanting to practise as a lawyer in the Isle of Man should be a graduate of some description? I mean, obviously ██████████ was originally a history graduate, you two I think both are law graduates but you have all been through university. Is there room for a non-graduate entry, do you think, into the legal profession? ██████████, perhaps I could start with you.

95 [REDACTED]: On what level, do mean on paralegal basis or ...?

Q7. Lord Garnier: No, even becoming a fully qualified solicitor. I mean, way back it was not a requirement for every lawyer to be a graduate. You could do, let's say, five years as an articulated clerk. It would take longer than perhaps a graduate lawyer but you could do it. I am just wondering whether you think that the system of bringing people into the profession is too narrow and excludes people who could not afford to go to university or whatever?
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[REDACTED]: Yes, personally I think going to a college or university is very helpful because law is a very research-intensive subject, it involves a lot of reading and writing. Obviously that is what you do at uni. When I reflect on when I was in sixth-form at school I was quite naive in terms of how I wrote essays and things I really was able to hone those skills when I did a Bachelors and a Masters and things, I think it has helped me.
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But I do agree that there needs to be more access to the profession. I think there should be at least some form of training whilst you are working at a law firm or some form of lectures or something if you are going to remove the requirement to go to university because I think you still need to maintain high standards.
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Q8. Lord Garnier: How about you, Emily?

[REDACTED]: Yes, I agree. I think that doing the LPC as well as the university experience of an undergraduate degree gave me the skills that I needed to be in the workplace. All of the practical side of things I got from doing the LPC course.
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I also think that with law there is a lot riding on the profession of you being an advocate. Sometimes you have got somebody's whole life, the decision to change somebody's life and I think that you need to have the necessary skills to be able to do that.
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Q9. Lord Garnier: [REDACTED], do you think you could have done what you are doing now not having been to university several times?

[REDACTED]: I think, and again a bit of a personal experience, is I have worked with a girl who did the ILEX and she was absolutely way more than capable of managing her own caseload. She had her own family law clients, we do a lot of legal aid, she was doing the sort of lower value, maybe the simpler ones. Obviously she could not appear at court but she was absolutely more than capable. And I know there are moves in England and Wales ... or in fact you can, that is a route into becoming a solicitor. I think it is too narrow to say it should depend on university because I think it is a narrow view. University can be limited to those of a higher income and so I think there should be.
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I appreciate totally what Emily has said about the practical skills from the LPC but I think that is more valuable than a traditional university, more education. I mean, do you really need at 18 to go and study law for three years? I think you are better off doing something else and then just doing the practical skills of the LPC. I think that is important, but equally that can be learned on the job as well.
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So I think a training period is important whilst you are working (**Lord Garnier:** Yes.) but I do not think a university degree is necessary, no. I think it keeps it too narrow and does not encourage diversity.
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Q10. Lord Garnier: Once you have got into a firm, you have been accepted as a trainee or an articulated clerk or whatever the technical term is within your respective firms, do you think that the way in which – and I appreciate this is difficult because you are there and you do not want to appear to be critical in any way of your current principals – but trying to put that aside for one moment, do you think the in-house, the on-the-job training is helping you to develop the skills
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that you will need and *do* need as an adviser, both across the desk but also acting as an advocate in court and also in preparing written documents and letters of advice and so forth?

Emily, how are you finding it?

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██████████: Yes, I find that sitting with an advocate or taking on work from an advocate, you can soak up so much knowledge even just from watching them do their job and assisting them and when they make amendments to your work that really does help to see what sort of thing you should be looking out for when doing the work yourself.

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I think going to court as well, I have been on a few court visits with advocates as well just to see how it all works and to be able to sort of take on board their skills and see how they do things in practice is really helpful. So I think that a lot of my skills will come from learning from who I am sitting with and watching.

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Q11. Lord Garnier: ██████████, you have got more experience of life outside the law, but do you find that at Hannan Law you have been able to be let ... well, of course you were working before you have been called to the Bar, but do you feel that the work that you have been doing has enabled you to develop as a trainee lawyer?

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██████████: Yes, without question. I mean, I handle my own caseload as well but under supervision. Obviously, the more I have done, the supervision is not as tight once I cover certain areas. I have been to court quite a few times because some of my cases have ended up in court, and obviously I cannot appear, so I have done a lot of drafting of all different sorts, skeleton arguments, obviously correspondence. I have developed a lot more skills and I think that is

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invaluable. I think the training period is essential, there is no way you could go in, whatever your background, you have to have ... there is a certain style and approach. If you come from a different commercial background, obviously family law aims to be non-contentious so your style has to be according to that, not commercially based perhaps as well. So the training period, on-the-job training is essential. But it does lead to specialisation though quite early on, I think, in some ways.

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Q12. Lord Garnier: And ██████████, your practice is a little different from ██████████'s, you are not doing family law as I understand it?

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██████████: I do some family law, yes, I have been doing some recently actually but we really do a bit of everything.

Personally I would say something that they do not teach you at university or you do not ever really delve into is people skills, and I think that is kind of the core aspect of law; being able to get on with your clients and just being able to deal with different types of personalities, people from all aspects of life. You do not really get taught that. That is just something you learn on the job but I think that is such a key part. Academic theories about land law and things you do not really come into contact with that often, so I would say it is so much more helpful being in a law firm as opposed to the three years you do at university.

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Lord Garnier: Learning by doing.

██████████: Exactly, yes. You learn so much quicker and it is a completely different level to what you do at university.

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Q13. Lord Garnier: And can I ask each of you, do you find that what you are learning, sharing a desk with a partner or someone more senior in the firm than you, has that enabled you to make up your mind that 'I really want to be a courtroom lawyer' or 'I really want to be a corporate advisory lawyer' or 'I really want to be this sort of lawyer', or are you still at the ...? I think, ██████████,

200 you have probably made up your mind, but for [REDACTED] and [REDACTED] are you still at the stage where you are tasting various bits of what is available before deciding whether you want to specialise, whether they want to remain as a generalist, whether you want to go into a one or two partnered smallish firm or into one of the bigger commercial firms? Is that something that is going through your minds now as you learn?

205 [REDACTED]: Yes. My dad is a lawyer as well, so I think he always advised me to not go in with preconceptions what I wanted to do because studying something can be very different to actually doing it in practice.

210 For me personally, environmental law is kind of what I want to specialise in ultimately but I would never close myself off. There are some areas of law that you do in practice and it actually surprises you how much you enjoy it so I think it is good to be open-minded about that.

Q14. Lord Garnier: How about you, Emily?

215 [REDACTED]: Yes, I completely agree. I have been very open to trying everything. I did not go in with any ideas of what I wanted to do. I enjoyed family at university but going in I have been enjoying litigation a lot more, purely just from doing work from every sort of department.

220 But, yes, I am completely the same, I am open to trying everything. I think I will want to specialise at the end of my training but at the moment I am not too sure, so it is good to get a flavour of everything at the moment, while I am training.

Q15. Lord Garnier: And [REDACTED], you have made up your mind in a sense, but I guess even whilst you were working at the law firm you will have come across things that you might not have expected or which may have influenced the way in which you approach the work?

225 [REDACTED]: Definitely. I approached Hannan Law because I knew I wanted to do family law, and that has stayed and I still find that so interesting. Obviously that in itself touches on so many different areas as well, whether it is taxation or property, you are obviously touching on different areas, and then more recently into the personal injury work which I am finding really interesting and enjoying. So that is sort of a new area but, to be honest, I think that will be more than enough
230 then. I cannot believe that you could do more and give your clients a proper service. I think doing the two in-depth is probably enough. But we are a relatively small firm compared to some of the larger ones. So, as [REDACTED] was saying, to get the more traditional seats and heads it is going to be difficult but you certainly touch on lots of different areas whilst you are doing it.

235 **Q16. Lord Garnier:** Just moving forward from becoming qualified and starting off.

240 One of the things that we have been discussing is continuous professional development. Do you think, [REDACTED], that the continuous development once you have started is adequate? Do you think the Law Society covers it well enough? Is it sufficiently compulsory or is it too voluntary? Or is it too informal? What are your views on that?

[REDACTED]: I find it really surprising that there is no sort of requirement to have CPD. I mean, there is in lots of other professions. I know it is up to the lawyer to maintain that standard but I think there should be more CPD.

245 There is some, there is quite a lot for criminal I think, duty advocacy, court work and so on, and I do attend what I can when it comes up. Recently a QC was over and I went to that at the court for advocacy skills. The Law Society tries but are obviously limited by funds and it is a relatively small pool of advocates. Actually, Aalish sorted out recently some training, we had domestic abuse training but, yes, there could be more and potentially make it compulsory. Or certainly in other professions, you produce certificates, I know that can just be a bit like you have turned up and

250 had a cup of coffee, but maybe more structure too, I think, would benefit everybody, including clients, or mainly the clients because I think is important.

Q17. Lord Garnier: Have you had any experience of that yet, [REDACTED]?

255 [REDACTED]: I have attended the training events that have been offered to me and there have been quite a few training events for trainee advocates. I know that we have got a Police Station Duty Advocate day coming up in August, which I am definitely going to be attending, but I attend everything that I can, just to give myself the best opportunities while I am in this training period, just to take it all in while I can.

260 We had some advocacy days back in March which were really useful, very hands-on with QCs, which I found really helpful because we do not obviously have an advocacy modular as such on our exams, so it was good to get that sort of practical experience as well as the paper-based exam revision stuff so it was good.

265 **Q18. Lord Garnier:** And [REDACTED], how about you?

[REDACTED]: Yes, I would say duty advocates is something that I have done already, quite a bit. Over TT I did that with one of my colleagues and we were there sort of all night and I really enjoyed it. I think that is a really important part, which you do not necessarily get as much in England and Wales.

270 **Q19. Lord Garnier:** So you were having to advise or represent a real client?

[REDACTED]: I was shadowing my colleague, I was not quite advising. But I think that really helps and I think just meeting people of all sorts of backgrounds, various different crimes, that has really helped me. I am not necessarily that interested in crime but I think that is a great way to just throw yourself in as a trainee.

280 **Q20. Lord Garnier:** But do you see yourself, you say you are not necessarily going to go down the criminal law route, but the one place where you do learn advocacy skills is in a criminal court and civil practitioners have to be advocates as well.

Do you think you would find it useful to spend, at this stage of your career, quite some time shadowing, helping or even taking on, once you are entitled to do so, criminal law cases or would that not be something that would (a) be suitable or (b) possible in the sort of route that you have taken through your particular firm?

285 [REDACTED]: I think it would be good to get more involvement in criminal matters but I think the advocacy element of that is not limited to criminal. I mean, there is the Employment Tribunal here. I have been quite lucky, I have already cross-examined people in the Employment Tribunal here, which I do not think I would ever have the chance to do in England and Wales. So I think there is a massive opportunity to get involved in advocacy here, not just in criminal but employment law as well.

295 **Q21. Lord Garnier:** And I think there are a Social Security Tribunals? (*Interjection*) Yes. And much of that work is *pro bono*, but none the less, it is still very useful advocacy practise.

[REDACTED]: You can do it under the legal aid schemes. They like juniors or trainees to do it as you can be funded up to a maximum of nine hours under Green Form, so it is a good route. And for firms who do not access legal aid schemes that is also something you should be looking at, I think.

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305 **Q22. Lord Garnier:** Again, it is probably too early in your career at the moment to worry about the law profession's complaints system, at least I hope it is! But one of the things that has occurred to us, I think, as we have been looking into this more, and it is not particular to the Isle of Man, it is wherever law is practised you will get dissatisfied clients.

I wondered whether you had had any cause to investigate whether in your own respective areas of work you felt that there was a sufficient awareness amongst clients that there was a route to complain, and I do not mean necessarily that you have been professionally negligent, but a lawyer can lose his temper, a lawyer can be a bit sharp, a lawyer can fail to respond to a letter within, let's say, seven days, or whatever it may be, low level but nonetheless annoying things, and I just wondered whether you felt that, even at this stage of your careers, that system, if it exists was properly known about by the lay public who we serve and whether it is the job of the firm in question to make sure that people know how they can get their problem solved or whether it is the job for the profession itself, through the Law Society?

315 Perhaps, [REDACTED], you have had a bit more experience of ...?

[REDACTED]: Obviously clients have to be made aware of the complaints procedure, it is on our letter of engagement but how many people fully read the letter of engagement anyway? It comes up occasionally, disputes over invoices, and then we do refer them to the complaints procedure, which is then followed and it is obviously time-scaled and everything like that and if the client wanted to escalate it then to the Law Society they could do so. Whether it feels a bit 'closed shop' for clients, that the complaint is being investigated by the very people you are putting the complaint in to, I am not sure whether there would be a better route to more transparency, I think, for the clients would be better and would probably help the profession actually overall, an easier route to complaints.

325 But at the same time, people have to have valid reasons for it. You cannot be charging off to an ombudsman or something if you do not like the way your invoice has been raised. So it needs to maybe be made more apparent to each client in some way, whether it is in bold on the letter or you sign something to say the client has been told about the complaints procedure potentially, to keep it so it is not unnecessarily bureaucratic.

Q23. Lord Garnier: Yes, that is good. And, [REDACTED], I guess at this stage you have probably not had to concern yourself?

335 [REDACTED]: Thankfully, no. I would say I think clients nowadays, with social media, they often take it into their own hands and in a small island jurisdiction word of mouth is very much the *modus operandi*. So I think people will often just sort of tell their friends they were dissatisfied or post on Google reviews, Facebook, or that sort of thing, and they would probably rather do that than go through a formal process, because that is a hassle for them really as well.

340 **Q24. Lord Garnier:** Would you three object – not just even at the early stage of low-level complaints but higher up the system – to and would you encourage further lay involvement in the tribunal system of dealing with complaints against lawyers? I know on the Advocates Disciplinary Tribunal they are there as a lay element, do you think that is enough? Is it not something you have actually had to think about very much?

[REDACTED]: I do not really have much experience of that. I do not know that much about the process yet to be honest.

350 **Lord Garnier:** That is fine, there is no reason why you should do.

[REDACTED]: Yes, I agree with [REDACTED], I am about the same sort of level.

355 [REDACTED]: I think as long as there are lay people, non-professionals involved in the complaints procedure it will help the profession, just for transparency and greater understanding.

360 **Q25. Lord Garnier:** Now, all three of you have been to tertiary education establishments outside the Island and you will have had to research, be it history, law or whatever it may be, environmental law in Australia or whatever, so you have had plenty of experience of being a researcher and looking things up and assessing information and trying to make sense of it for a particular purpose.

365 But do you find researching *Manx* law as opposed to English law or law of other jurisdictions, is it administratively difficult in the sense that there is no one place where you can find the law of contract of the Isle of Man or the law on ... there is not a Rayden on family law. Is that a practical barrier to your performance as lawyers, is it something you just have to just get through, is it something you would like to see changed? And if it is something you would like to see changed, is it something that is economically possible within a small jurisdiction? Is LexisNexis going to publish a book that is then going to be read by 500 people as opposed to 5,000 people? Have you had any concerns about that, having come from universities outside the Isle of Man?

370 [REDACTED]: I definitely find it quite frustrating, to be honest because even just searching case law is quite difficult. I know you can search keywords on the website but the website is quite antiquated in general just for Tynwald and the other aspects, it does need an update and does need modernising a bit.

375 If you just compare the resources here to Practical Law and Westlaw and all of that, those are brilliant. They have those notes where all you need to do is find the note that sets out the key legislation and the key case law and your sources. But for the Isle of Man it is quite difficult, you have to delve quite deep and it is quite time consuming as well. So it definitely would improve efficiency if the website was just set out better and you could include keyword search terms and things.

380 **Q26. Lord Garnier:** How about you, Emily?

385 [REDACTED]: Yes, I agree with [REDACTED]. I used LexisNexis. Basically my entire uni experience was based on LexisNexis, so that was really helpful and obviously everything is on there, whereas now, yes, we have to go on to say Tynwald or judgments.im to find information. It does feel more limited and it is quite a big jump down from using Lexis where everything was just at your fingertips.

390 So I feel it would be great to have some sort of system where you could see everything on a big database but, as you say, only a handful of people would be using it so would the economic cost outweigh the usefulness? I am not too sure.

395 **Q27. Lord Garnier:** I guess, [REDACTED], with so much more research being done online as opposed to in hard copy the cost of setting up a convenient access system for family law, for example, or PI law, personal injury law, would be marginally –

400 [REDACTED]: Yes, it must outweigh the costs. Particularly for PI, we use Lexis all the time. Quantum is obviously based on England and Wales, the Isle of Man does not have its own Quantum. So apart from knowing the *Manx* law in that respect, we would still use Lexis all the time for that so it would be of no benefit. Family law matters, there are very few judgments published still, *Manx* family law judgments, so skeletons are largely based on English and Welsh law, including any judgments that are relevant or that our firm has potentially been involved with.

405 So it would certainly make things a lot easier and also, like you were saying, the judgments are on one site, Tynwald, you are trying to find the statutory documents as well, *Hansard*, and it is really fiddly. Once you know how to find stuff you can do but it is not easy by any stretch of the

imagination. But the cost, I know they talk about for the Manx Bar we just pass notes around. [REDACTED]: Yes.) You pass notes around, there is no textbook but imagine trying to produce a textbook. I know Deemster Doyle did his notes, which were amazing and really helpful. I mean, those could be a basis. But yes, very difficult economically.

410 I do not know about other smaller jurisdictions, I think Jersey are looking into revising the Manx Bar exams, aren't they ...?

Q28. Lord Garnier: If you are going to court to make an application, either in the civil or the criminal sphere, are you saying it takes you longer than you would like to get the case law ready, to do prep for the case, to prep for the hearing, or is that something you have just factored into your heads, that instead of taking half a day to press a few buttons and get out the relevant law or procedure you are just going to have to sit down and mechanically clunk through this?

420 [REDACTED]: I suppose you are using a lot of English and Welsh law still though and in your areas of speciality you know perhaps there is always the same Manx cases you will pull up, so in a way you have your precedents like you would, so I do not know about timescale. Perhaps that would be a better question for people who have used solely English and Welsh law and then have come to do the combined. I guess they would say it would take longer, I don't know ... it takes as long as it takes really; a not very helpful answer!

425

Q29. Lord Garnier: But you indicated that having come from Sheffield or perhaps in Liverpool that things took you a bit by surprise, but am I putting words into your mouth?

430 [REDACTED]: Yes, I would say so. When I was first asked to do some research when I started working over here, it was very different. Normally, I would just go straight onto Lexis, I would be able to find anything within a few minutes searching for keywords, but here it was a lot different. It was checking through websites, checking through different places, having 10 tabs open just to find one thing. So I do think it was a big jump not having everything ready there for you. It did take me a while to get used to. I think I am still now sort of trying to get my head around where to find things and the quickest way to do so, yes.

435

Q30. Lord Garnier: Do you get the impression that your more senior lawyers will say, 'Well, we had to do it so just suck it up', or is there a sense that they understand that this is not as good as it could be and with a few tweaks and a bit of capital expenditure things might be improved? Or is this always going to be a problem because it is a function of the size of the jurisdiction and, unlike London, where there are tens of thousands of cases going through every year, here there will be, okay thousands, but not tens of thousands so the balance of economic and the cost-benefit analysis is not able to sustain that?

440

445 [REDACTED]: Yes, I think they probably recognise that it is more time consuming and a bit difficult to go through and find everything when it could be made smoother for everybody. But, like you say, there are not as many judgments going through as there are in England so it is easy to stay on top of things and to keep up to date with the law and what is going through at the moment. But when applying it and when trying to find older cases, older legislation and older precedents then I do find it quite difficult that everything is not in the one place.

450

[REDACTED]: Yes, and I would say, even for secondary literature, in the UK you have got so many law firms providing blogs and things on recent cases. In the Isle of Man you have some but you would not really use it as your main resource. I think that is something that could definitely be improved. Perhaps there could be commentary on a regular basis on the recent case law by a group of lawyers in the Isle of Man or something like that. I think that would be really helpful.

455

460 I have done quite a few articles on climate change law. I do not know if you know, but the Act was recently put through in Tynwald and I think Tynwald actually quoted my article on climate change law, which I was quite surprised at but I think it is because there is not that much literature about so I was probably the only person who wrote about it.

Lord Garnier: It might have been a very good article!

465 [REDACTED]: I don't know about that! (*Laughter*)

Q31. Lord Garnier: Well, that is both, on one level, concerning but at another level rather refreshing that new entrants to the profession are able to comment and get their stuff ... and I suppose social media will enable you to get access to a reading public much more easily than 50 years ago when everything had to be in a magazine.

470 Are there any other matters which you think that as new entrants or relatively new entrants to the profession our review ought to be particularly aware of? I have had information from partners, I have had information from people who have been practising here for 20, 30 or 40 years but it would be interesting from your perspective as, okay not complete strangers to the law as graduates, but relatively new people to practise, are there things which you think we ought to be
475 aware of – glitches, good things, bad things and things which are slightly difficult or could be amended with just a tweak in the regulations here, there or wherever which you think would be useful for us to take into account?

And this is not an interview to get into university! (*Laughter*) This is something I would like you to think about and if you have not got answers to it now, please would you email us, either through
480 the Department of Home Affairs, through Dan Davies, and I think on the Review website there is a link that takes us to that or you can send it directly to Samantha and me in our Chambers in London and, of course, anything you say will be shared with the secretariat so that nobody feels that there is a secret link, private evidence session going on. But if there are things which occur to you once you have left here or even now which you think would be useful for us to know to enable
485 us better to advise the review how to approach the questions that are facing you.

And do not feel restricted in just giving me your own views. If you are having discussions with contemporaries, other new entrants, are there problems that you [REDACTED], you [REDACTED], you [REDACTED], have come across? Tell us and we can pass it on or you can indeed ask them to pass it on but the more I know the more useful the Review can be.

490 [REDACTED]: I was just thinking one thing is my colleague, who is an experienced English solicitor of 15 years, and we sat the Manx Bar exams at the same time and she has done one year as a trainee and now she is a junior advocate for five years. I would say, possibly from her point of view, just from discussions we have had, is that she has come from a senior position and now
495 is a junior for five years, and her charging ability then would appear to be restricted on that basis, potentially. So that is something she has spoken about. But I guess that is something you are looking at as well in solicitors from England being able to appear in Manx courts, but she is actually a Manx advocate now as well.

The only other thing I suppose would just be the access to law, whether part of your remit is
500 considering the legal aid provision, how different it is to the English and Welsh system, there is so much more access to law for people here, I would say that is a positive overall as well.

Q32. Lord Garnier: I would be interested to hear ... there are clearly vast differences in size and the Law Society of England is a huge, great organisation with, I do not know, there must be a
505 hundred thousand, a hundred and fifty thousand members of the English Law Society. Whereas here there would be under five thousand I should think, or under two thousand, I do not know.

[REDACTED]: I think it is 200 or so, isn't it?

510 **Q33. Lord Garnier:** Well, there you are. So that the size factor is much different and the resource that, for example, the President of the Law Society and the Council here can give in terms of time to run the society and to look after the lawyers is necessarily different because the President has to run their own private practice and if they are the managing partner as well they have got to run the firm, whereas the President of the Law Society in England probably takes two years away from his or her practice and concentrates fully on that, as does now the Chairman of the Bar in England. He gets paid to be the Chairman of the Bar. So there are obvious differences but it seems to me there are also advantages in being intimate and small and everyone can talk to each other and everyone knows each other, so long as it does not lead to an atmosphere of complacency.

520 But any information that you think might be helpful to enable us to get a picture of what is going on here and what is good and what is less good, that would be helpful.

525 One area you might be able to help with, perhaps not, is the gap, if there is a gap, between non-Manx lawyers who are practising here and Manx lawyers who are practising here. Now, there is one line of argument that says, 'Well, if you want to practise in the Isle of Man, get qualified and stop complaining', another line says, 'Why should we prevent good overseas lawyers, be they English, be they French or be they BVI lawyers, coming here and giving our clients the benefit of their skills by making them at the age of 40, 45 or 50 or even 30 having to go through the whole effort of passing the local law exams?'

530 Is that something that you find that contemporaries from university or contemporaries from other walks of life have said, 'I would love to come and work in the Isle of Man, but I really can't be bothered to do the ...'? Do you think the Isle of Man is missing a trick or do you think it is right to say, 'Right, it is a lot of work here, you just follow our systems'?

535 **[REDACTED]:** I think the Isle of Man is quite protective of its Bar system and I think that is good in a way because you do not really want it to be diluted. But equally I think, personally I would appreciate it if there was reciprocity between England and Wales, say if you could practise or have some sort of remit over that because especially if you have done the LPC and GDL as well, you do have quite a strong basis of English law so it kind of makes sense that you would be able to practise in England or Wales. But you cannot have it both ways, we cannot be able to practise in England and then no one be able to come over here, so I think definitely something needs to be done about that, yes.

540 But in terms of contemporaries, I went to a very international university abroad and my friends were all from different parts of the world and I think they were pretty interested in the Isle of Man. I do not think they would have packed up and moved here, just because it is very small, but I think people would move here and you would get an interesting array of people from different countries if it was opened up a bit more.

Lord Garnier: Yes.

550 **[REDACTED]:** I think it would have to be, well I am sure, very tightly regulated if that was the case though. Because anecdotally some of the people practising here who are not Manx advocates can give very bad advice and it is actually quite dangerous, I think, because it *is* a different system. There would have to be some form of regulation, some form of CPD potentially that they are aware of the difference in jurisdiction. Because I think even English solicitors who practise over here potentially are not aware of it.

555 So I think there is a gap between non-Manx lawyers practising here, we just need to be tighter regulated.

560 **Q34. Lord Garnier:** Well, certainly from my point of view that has been a very helpful exchange. There is a risk that I shall start repeating myself, but are there any points Samantha and I should have concentrated on which I have missed out on?

Ms O'Brien O'Reilly: Just one thing, I think.

Lord Garnier: Please, Samantha, you ask.

565 **Q35. Ms O'Brien O'Reilly:** I understand from your bios that you all did the LPC rather than, say,
the BTC or anything like that, but obviously that is designed for solicitors and you are going into a
fused profession, so do you feel that there are any gaps in the training that you had exactly on an
academic side and when you actually go into a traineeship here? Because I understand that the
Bar exams here even, they are all written again so there is no advocacy training at any point?

570 [REDACTED]: Yes, I feel that an advocacy module would have been very beneficial. I recognise
we are offered training days, such as the ones that we had back in March, and I think we might
have a couple more coming up, which is great of the Law Society to offer, but I do feel that that is
a gap or the main gap that I would point out. We have got the written-based stuff and then the
575 advocacy stuff there is not anything for us to sharpen any skills or even if anybody has not done it
at all before.

We had an advocacy module in the LPC which I found really helpful but since then I have not
really had any chance to practise it, and then you are kind of thrown in the deep end when you
qualify if you want to go into courtroom based departments, so I think that would be something
580 that would be really beneficial to add in to the qualification.

[REDACTED]: Yes, I think, especially because the Isle of Man is a fuse Bar system
([REDACTED]: Yes.) we do get an opportunity to do a lot of advocacy here so I think the LPC, that
one module was not really sufficient to then go and practise. It was helpful but we could definitely
585 do a lot more. But I think people who did the BPTC do probably have an advantage because
obviously that is very advocacy-based, so they get more experience.

Q36. Ms O'Brien O'Reilly: And I am just drawing on all of your experiences from the various
exams you have done, be that undergraduate or masters and so on. How would you rank the Bar
590 exams? I ask because I know in some countries like, for example, America it is seen as an incredibly
difficult exam. I think maybe in England and Wales it is not seen as typical to, say, undergraduate
final exams and so on. I am just conscious of perhaps the matters raised around accessibility of
Manx law and finding the sources. How difficult did you find the Bar exams?

595 [REDACTED]: They are very hard, without question. They are a pretty intense set of exams. I am
quite a good exam sitter and yes, they were very hard, very challenging. You feel a bit like you are
flailing around in the dark. You are basing on some notes that have been handed down and
handed down, and you update them. Yes, they are a very challenging set of exams but the biggest
sense of achievement probably ... passing them for some time.

600 [REDACTED]: Yes, absolutely. I think, with the lack of a syllabus as well and with it being,
especially the last two exams, I feel that that is very based on current affairs and what is going on
at the time, so I think that does make it quite difficult as well. Seeing as there is no syllabus it is
sort of a shot in the dark of what could come up, and I feel, yes, with no set notes or anything like
605 that you are very reliant on other people and just the lectures that you are given. But I feel that it
could benefit from having some sort of maybe textbook. I appreciate that it probably may not be
cost efficient with how many people do the exams each time, there is not that many, but, yes, I
think that something could be done to make it a little bit easier.

610 [REDACTED]: The lectures are very good.

[REDACTED]: The lectures are very good, yes.

615 [REDACTED]: And people did not have those before, so they definitely have helped and they are good, they were helpful.

[REDACTED]: Yes, definitely and everybody is very helpful on the Bar so you have access to people's emails and you can speak to them about anything, but it is very challenging.

620 **Q37. Lord Garnier:** Forgive my surprise, but when you said there is no syllabus; how do you approach the whole question of ...?

625 [REDACTED]: Yes, well, you have four exams and you have the notes and basically you try and cover *everything* in Manx law, bottom line. Certain things come up, so you go through all the past papers. I think I went through 10 or 15 years of past papers, all of them. And you try and question spot a bit, don't you?

630 [REDACTED]: Question spot, yes. Which is not advised but I think is one of the only ways to sort of ... because you cannot learn everything, of course, so it is one of the only ways you can refine it down, and cross your fingers!

[REDACTED]: And that is about it really, it is very ...

Q38. Lord Garnier: So just explain to me, the four exams are in relation to what?

635 [REDACTED]: Civil, criminal, land and constitutional, and ...

[REDACTED]: Land and constitutional and company and tax.

640 [REDACTED]: I have tried to block it out! (*Laughter*) And company tax and regulation.

Q39. Lord Garnier: And so that is all you know when you ...? [REDACTED]: Yes.) And you say, right you are going to start the course but where do you start the course? It is done online, you do it with friends, you do it with ...?

645 [REDACTED]: So you get the past papers, download them from the Law Society. You try and find a set of notes from somebody and then you just start working through, learning through, making new notes.

650 Obviously it is all handwritten exams so if you are used to a computer you have got to be able to write non-stop for three hours, which is fine, I am old-school, but other people ...! (*Laughter*) And that is it, yes, so you are just on your own. I did mine during lockdown so everything was on Zoom in the kitchen, basically. Yes, and you just work through. I think I did it with six other people.

Q40. Lord Garnier: Forgive me if I am getting this slightly wrong: you beg, borrow and steal the notes of ... you download previous exam papers, but who is teaching you? Is it all self-taught?

655 [REDACTED]: Yes, self-taught. You have lectures, which are very helpful, from say criminal lawyers, criminal prosecutors, say, did one or two separate ones and they might say, 'Right, work through a paper and we will discuss it.' Or they will just talk through the procedure, which is what happened, wasn't it? The court procedures.

660 [REDACTED]: Yes, legal aid, court, bail.

You kind of just hone the areas that you think you need to learn based on what we go through in lectures but of course they cannot go through everything in criminal law in a one-hour lecture

665 so it is very much looking at past papers, seeing what has come up, [REDACTED]: Question spotting.) a pattern of times and then ...

[REDACTED]: Fingers crossed.

670 **Q41. Lord Garnier:** And the exam is set by the Law Society?

[REDACTED]: Is it the Deemsters?

[REDACTED]: I think it is the Deemsters and an external person, this is a bit shrouded in mystery, the whole process. And who marks it? I think the Deemsters and somebody across.

675 [REDACTED]: I believe the Deemsters mark it.

[REDACTED]: But this is changing, I believe. This has been subject to review because it obviously has been a very difficult area and I think there has been a lot of criticism towards the Manx Bar exams as a set of exams.

680 But very much from what you were saying before, everybody has done them before so why shouldn't everybody else carry on doing them? So there is very much that approach to it, isn't there?

685 [REDACTED]: Definitely.

Q42. Lord Garnier: Yes. On the first impression it seems quite informal and luck based.

[REDACTED]: I would say so, yes, I would agree.

690 **Lord Garnier:** I think we may need to find out a little bit more about that.

[REDACTED]: Some reviews have been done on it. Certainly Kathryn Clough would be able to help you because there has been quite a lot on this and Law Society papers have been published.

695 Like I said, I think Jersey are taking it over now and rather than the first two being exam-based they are going to be project-based, which makes more sense. So civil and criminal, you follow a scenario through: bail, court, whatever. So those two and then the last two are going to be traditional exam-based, which are three essay questions you answer for each one really, isn't it? You spent an hour.

700 [REDACTED]: Yes.

Q43. Lord Garnier: Yes, well we are hoping to get to Jersey to see what they do there. I am aware that there is distance learning and so forth but I think I need to find out a bit more about how the structure of going from being a graduate of Sheffield, a graduate of Oxford, a graduate of Edinburgh or whatever it may be, how you get from *there* to having passed your Manx Bar exams.

710 [REDACTED]: You apply to be commissioned, so there is all that sort of normal ... and then there are two sets of exams, May or November. [REDACTED] is looking to sit maybe next May, I understand, is that right? [REDACTED]: Yes.) Not many people, I think there were six that did it on mine.

[REDACTED]: Yes, there were six or seven on my set of exams.

715 **Q44. Lord Garnier:** [REDACTED] is going to do her Bar exams next year, so while you are at M&P are they assisting you with the preparation for those exams or is it something you do after hours? You go back home, you log on, look at the old papers and whatever. It is not something you are incapable of doing because you are a highly accomplished young woman but is that the system?

720 [REDACTED]: You do not have to do it out of hours. I mean, you are allowed to do it whenever you want, whenever there is kind of a lull in work you can then go and do some revision but personally I have not really had any time for that, I find that I am very busy. I know certain trainees at other firms have had more time to revise but personally I really have not looked into it at all yet.

725 It is very individual it is all sort of self-studying and, like the others said, it is really kind of whose notes you can get, which is a bit unusual because I think it should really be a set syllabus. Personally, I have always liked having a syllabus, having bullet points of everything I need to learn, you can tick off. Whereas here you do not really know what limit you should reach in terms of revising.

730 [REDACTED]: You have eight weeks. Your firm has to give you eight weeks off before the exams, that is your study leave.

[REDACTED]: I had six.

735 [REDACTED]: Did you have six ...?

Q45. Lord Garnier: How did you know that you were making good progress pre-exams? So you could be reinforcing errors.

740 [REDACTED]: Yes.

[REDACTED] Yes, exactly, and that is very stressful to some people. We had a couple of people who dropped out literally the week before the exam and they had spent eight weeks on study leave and they dropped out because they could not deal with the pressure.

745 [REDACTED]: No, there are no mocks or anything, is there?

[REDACTED]: No. You can do a past paper and pass it to an advocate to mark and they are all very willing to help and mark the papers for you and have a look for you, but apart from that it is very much you do it on your own back. If you want somebody to mark a past paper for you, you have to do it yourself, nobody tells you to do it. There are no set mocks where you do it and everybody is given feedback. You can do past paper sessions with advocates who are happy to help. But, yes, it is kind of just you are guessing the whole time really.

755 [REDACTED]: You take four. If you fail one, you can retake one, if you fail two you have to retake all four.

[REDACTED]: Which I think is quite harsh if you have scored very highly in two and managed to flunk the other two then you have to take all four again, which I do not think is very fair. I think that is a very difficult way to do it.

760 [REDACTED]: It is just quite frustrating. For me especially having gone through six years of law at uni, I have probably done hundreds of exams. I did the LPC and now I am sort of having to unlearn some of the stuff from the LPC because of the discrepancies and then do more exams. I think that would probably put a lot of people off, especially if you are not really a good exam

person. Because not everyone is good at exams and being good at exams does not mean you will be a good lawyer, really. It is academic, it is memory.

770 I think applying a more practical approach would be good; instead of sitting down and writing papers, maybe more practical things, practical assessments.

██████████: I think it is that there are two heads that are moving that way, which is good I think.

775 ██████████: Yes, but it would be good if *all* really were more practical.

██████████: Yes, I agree.

780 ██████████: Yes, and more experience-based rather than just a memory test, which was completely university, it was just a memory test most of the time.

785 ██████████: And on one of the papers there is a drafting question, which I find is quite a difficult thing to put into an exam because when you are drafting you are never under the time pressure that you are under without any resources in practice. I mean, you might be under time pressure but not like a three-hour exam sort of time pressure so I do feel that is quite unfair because it does not really transfer to practise, but it is what it is.

Q46. Ms O'Brien O'Reilly: At what stage in the training would people normally sit the exams? Because you have already started your training, haven't you?

790 ██████████: Some of the bigger firms they sit, I think, even six months in, but that is quite unusual. I think it is a year in most people do them, is it?

795 ██████████: I did mine as soon as I could actually, but then I had been working there for a while.

██████████: Yes, it differs really, I think.

800 ██████████: It depends how comfortable you are with everything. I was just under a year into my training but I know a girl who sat and she had only been articled in the January and she sat the exams in May so she was quite quick to do it, and she passed them all. So I think it is just how comfortable you feel.

Q47. Lord Garnier: And is there a set time of the year when the exams take place?

805 ██████████: May and November.

Q48. Lord Garnier: So you have got that much of a calendar to work to.

810 ██████████: I think there are moves – again, you might want to look into this – for it to just go once a year. Which again, would makes sense really because that would manage costs a bit better. It seems six people taking exams twice a year, you might as well do it once a year.

815 ██████████: But then resits would be quite difficult if you only did it once a year.

██████████: Yes, but I think they are looking at that. I think was part of the ... that they would resit then within three to four weeks or something afterwards. I think it was part of the recommendations.

820 [REDACTED]: Because even May to November, if you failed one then you have to wait to the next round, that is a long time elapsing, whereas at university, well at mine, it was a couple of weeks.

[REDACTED]: Yes, they are doing that I think.

825 [REDACTED]: That would be good.

[REDACTED]: Yes, definitely.

830 **Q49. Lord Garnier:** If you want to be a partner of an Isle of Man law firm you have to have passed the exams. If you come here as a 35-year-old, 10-years post-qualification experience, a Scots, English or Irish lawyer, and you want to progress to partner of your Isle of Man firm, you have to pass the Bar?

835 [REDACTED]: That is like my colleague.

Q50. Lord Garnier: Is this sort of relatively informal way of moving towards the exam something that would put people off?

840 [REDACTED]: Yes.

Lord Garnier: And so not bothering or ...?

845 [REDACTED]: I think it is really hard. My colleague is a mother with two young children and she was working for a firm where she had targets to hit, hourly recording targets, at the same time as trying to pass the Manx Bar – which she did – but there was an awful lot of pressure, and she said at the time, ‘If I don’t pass I am going back to the UK, I am not putting my family through this again.’ And this was in lockdown as well, so there were a lot of circumstances.

850 And then somebody else, you might have heard this, one of the big firms, a very experienced solicitor who practised overseas, he had to come and sit the Manx Bar exams. I think he was heading up one of the big firms here, but basically there were no exceptions he had to do that, whilst also clearly with a massive workload.

855 But I think this area is all being looked at slightly differently, but it does form that question, it is part of the legal process there. Everybody has gone through it and all the advocates will say it is the hardest thing you are ever going to do, is do the Manx Bar!

860 [REDACTED]: Yes, I think on that basis, if you are talking about managing directors or whatever coming over ... I do not have time really on a day-to-day basis to put revision as part of my day, let alone people who are more senior. I am completely bottom of the pile and I do not have time, so I think that that is definitely an issue, having the time and balancing your work with the study loads, yes.

Q51. Lord Garnier: But then you say there are between six and a dozen people a year taking the exams, so it is quite a niche activity! (*Laughter*)

865 [REDACTED]: Yes.

Q52. Ms O’Brien O’Reilly: If you had sat the exams before starting your articles do you think that would have been much harder to get through them?

870 [REDACTED]: I think so because you learn through experience. I think that is why we are encouraged to do the exams a year in at least because you really learn on the job.

[REDACTED]: Yes, I agree. I think especially, like I said, about drafting questions, if you have been drafting forms all year that is second nature, you could do that straight up in the exam, but if you are fresh into your training and you have never drafted a form before, it is then learning how to do that. If you have not got any practical experience, I think that that aspect of learning on the job is really helpful to go towards that part of the exam.

880 [REDACTED]: Yes, and I think also because there is this chasm between the English and Welsh system and the Manx, you go from the LPC and then there are going to be gaps in your knowledge so you really could not immediately just start the exams because you would not know about the Manx intricacies and differences.

885 [REDACTED]: I think that is the most important thing. If you have gone from the civil procedure rules and then you have got the rules of the High Court of the Isle of Man and you need to know those before you can do the Manx Bar, don't you? (*Ms Brennan*: Yes.) So you do need to know the difference between the two jurisdictions.

890 **Q53. Lord Garnier:** But all three of you knew what you were facing before you started and it did not put you off?

[REDACTED]: But ignorance is bliss (*Laughter*) I mean, you don't really ... 'Yes, I'll sit exams, easy!'

895 [REDACTED]: You try not to think about it.

[REDACTED]: Yes, that is true.

900 **Q54. Lord Garnier:** Well I suppose it is quite a brutal way of sorting out the sheep from the goats, isn't it? (*Laughter*)

[REDACTED]: Most people pass though. Most people do pass, however awful they are, most people pass.

905 [REDACTED]: If you think about it, for the GDL and the LPC because most of them are run by private universities, like the University of Law, there is actually very low standards to get in. There is not really high requirements to get in whereas the Isle of Man, by having this system, it does really, as you say, cut the wheat from the chaff.

910 **Q55. Ms O'Brien O'Reilly:** Is it graded on a curve, do you know?

[REDACTED]: Sorry?

Ms O'Brien O'Reilly: Is it graded on a curve?

915 [REDACTED]: I don't know.

[REDACTED]: No one knows! They look at your paper as a whole and decide if it is strong enough, is what I have been told.

920 [REDACTED]: Sometimes, like if you are 49% –

██████████: If you are just not good enough, you have got to get 50 to pass.

925

██████████: But there will not be a structure of a mark, this is what I have heard –

██████████: This is what I have heard as well.

██████████: – they will not give the structure of a mark, it is just you are not quite strong enough to be a Manx advocate and so they will give 49%.

930

██████████: It is more of a feeling, that is what I have heard. It is a sort of holistic view as opposed to individual questions, which is very different, I am sure, to what we have all experienced at university where it was you got four points in that, five points in that.

935

██████████: Yes. The first two papers have marks next to them so I think it is more of an indication of how much to write really. So if it is 10 marks you need to be writing quite a lot. But then the last two papers have no marks allocated to them. It is just three questions, I would assume 33 marks each, (██████████: Who knows?) I am not too sure.

940

Q56. Lord Garnier: Well, one would assume that there must be some sort of guidance to the markers to give a consistency of approach because you might get marker A, who gets out of bed at the wrong time of day and marker B who...

██████████: I think they review the papers together, I understand.

945

Q57. Lord Garnier: I suppose if there are only 9 or 10 or so many people taking it, it is not like A-Levels where you have got ...

950

██████████: Your question is probably about the standard. I do not know. I do not know if the standards are the same, if they have slipped or if they have risen.

Q58. Ms O'Brien O'Reilly: It was provoked by your point that most people pass, and I just wondered.

955

██████████: Yes.

██████████: But it is not unknown for people to fail one or two. (██████████: No.) People do not look down on you or anything, from what I have heard. People recognise how difficult it is.

960

Q59. Lord Garnier: Well, if I may say so, that has been one of the most revealing and fascinating conversations I have had in quite a while. You have opened up a line of inquiry which I might want to pursue a bit further, so thank you very much for that. (**Witnesses:** Thank you.) And indeed thank you for all that you have given us today, it has been very useful. Particularly to get the perspective of people who are new in practice or relatively new in practice, so that has been very valuable.

965

I know you have got ... you say you have not had time to revise for your exams, so when you have given me over an hour of your time away from your office, from your practice and from your supervisors, all of you, and indeed from your own practice so thank you very much indeed.

970

Is there anything else before we say goodbye, is there anything else you want to say? Either do it now or drop me a line on email or whatever. And as I said earlier, if others you work with or young lawyer friends you are with say, 'Why didn't you tell them about this?' or 'Why didn't you tell them about that?'

975 [REDACTED]: The only thing I would say, I think we have probably covered it, is just recognising that the exams are so difficult and that they probably could do with reform. But in a way I think it is good because there is so much riding on the career. Sometimes you have got somebody's life in your hands, the decision of where that is going to go, and I think you have to be well informed and you have to know the Manx law to the standard that you do for the exams. I do think that it does require a high requirement of knowledge and passing those exams is, I would have thought, integral. As hard as they are, I think that it is a good thing.

980

Lord Garnier: Yes, I do want my heart surgeon to know what they are doing! (*Laughter*)

985 [REDACTED]: Yes, I completely agree with that. I think there is no sort of filter from the LPC. People come out getting 90% plus, that is kind of the norm, which I think if you then do the LPC then you look for training contracts or a pupillage. It is exceptionally difficult to get one of those so there is this massive gap where there are loads of people who are left without a job, they are just sort of milling around.

I think that does not really happen here as much because you have that high requirement, as Emily was saying, yes.

990

Q60. Lord Garnier: The hurdle to start is higher. ([REDACTED]: Definitely.) Whereas in England the filter is finding the training contract and finding the pupillage.

995 [REDACTED]: Yes.

995

Q61. Lord Garnier: And there are criticisms, I think, of some of these private universities that they are mills where they make a lot of money.

1000 [REDACTED]: They just want bums on seats I think.

1000

Q62. Lord Garnier: Yes, take the money and do not help you get further.

1005 [REDACTED]: Yes. I have experienced that, I worked in the UK for a little bit before I moved back here after university and it was very much just billing and stacking. It was in a conveyancing department, whereas over here it was so much different, it was training opportunities, being articulated almost immediately and I have got a friend back in the UK now who is still looking for a training contract, and has been for about three or four years now, whereas once she finds one I will be qualified here. So it is a big difference, I would say, to the UK.

1010 [REDACTED]: Yes, even applying. In the UK you have to apply two years in advance. Here you can apply a couple of months before you want to start if you really wanted to and you could get a training contract. I think that that is a good system. ([REDACTED]: Yes, definitely.) For me personally, I was in the Netherlands when I was meant to have been applying for training contracts and such like. I had no idea that law firms recruited two years in advance so I think it is definitely helpful to be able to apply at a later stage.

1015

Q63. Lord Garnier: Well, thank you, all three of you, that has been really interesting and I am very grateful to you.

1020 **Witnesses:** Thank you.

Lord Garnier: Have you done now? (*Laughter*)

1025 [REDACTED]: But if you do want to see some of the past papers or have a go at sitting them yourselves!

Ms O'Brien O'Reilly: We are sitting them tomorrow! *(Laughter)*

1030 **Q64. Lord Garnier:** I would certainly be interested in seeing a few sample papers.

1035 [REDACTED]: Yes, they are actually on the Law Society website, which you can access if you are allowed to, but they are all there. And certainly have a look at the heads three and four because they are the wide-open essay questions or they can be problem questions as well, can't they? But heads one and two is changing from an exam base to a scenario and you do it over a period of time which would reflect practise a lot more, so we may be doing it a bit of a disservice at the moment.

Lord Garnier: There is plenty to think about.

Review of Legal Services in the Isle of Man

IN PRIVATE SESSION

Chair: The Rt Hon the Lord Garnier QC

Assisted by: Samantha O'Brien O'Reilly, Barrister

Session 4

Thursday, 28th July 2022

Legislative Council Chamber,
Douglas
Isle of Man

Individuals who practise Manx Law but are not part of the Manx Bar

EVIDENCE FROM

**Mr Colin Bird, Partner, Stonehage Fleming;
Ms Martine Fleming, Solicitor, BridsonHalsall; and
Mr Ben Hughes, Consultant Solicitor, Keystone Law**

Q1. Lord Garnier: Well, we are six minutes early, but I think we might as well get on.

Can I introduce Samantha O'Brien O'Reilly, who is in the same chambers as me, and we are instructed by the Isle of Man Government through the Department of Home Affairs to review the report made by the Select Committee of Tynwald, which came about nearly two years ago, I think, which the Government looked at and have asked us to run our ruler through it.

The chronology is likely to be that I will try and get my report back to Mrs Poole-Wilson, the Minister, by the autumn; sometime between October and Christmas, but I hope nearer October than Christmas. And then what she does with it is entirely up to her, but I assume she will present it both to her fellow political Ministers, but also to Tynwald for them to assess, do with what they wish. But that is the shape of it.

It is very much a public inquiry, so nothing that we say here is confidential, unless you say you want to say something which is particularly covered by what I would call Chatham House rules. I do not intend to pry into your private client questions or commercial matters. Really what we are trying to do is get a greater understanding of the legal services sector in the Isle of Man.

As I understand it, you are all individuals who practise Manx law but are not members of the Manx Bar, (**Mr Hughes:** Yes.) so I would be interested to hear about that in a minute, but just to let you know, we have had sessions today with Manx lawyers who practise domestic Manx law, so people who do local family work, local criminal work, what I would call traditional civil work here on the Island. We have had people who are practitioners of commercial law, who are also members of the Manx Bar. Some of them might have been English or from wherever, but they have qualified here and practise here.

Then we had, a moment ago, three recent entrants into the profession, two of whom were young women, I would guess in their mid-20s or even late-20s – they have been to university in England, Australia, the Netherlands, Scotland, whatever – and one of whom went to Oxford 20 years ago, did something else, qualified as a Manx lawyer and is now working and will soon be called to the Manx Bar. (**Mr Hughes:** Yes.) And now we have you, who, as I understand it, are all individuals who practise Manx law but you are not members of the Manx Bar.

The sorts of things that we have been talking about with our previous witnesses are the legal education system: does it work; is it apt to assist in the delivery of legal services to the Isle of Man community? We have talked about continuous practice development: does it exist; and if it does exist, is it practised in a way which is helpful both to lawyers, and is not merely a tick-box exercise, but is also productive of confidence amongst the client base?

We have talked about complaints procedures, ranging from, 'My lawyer was rude to me' through to, 'I'm suing him for professional negligence' and the various stations in between. And whether that is accessible, is it well-known enough, is it understood by clients, is this something for lawyers to be dealing with, firms to be dealing with, or is it something that the Law Society itself should be dealing with. We have had evidence that the Law Society's website is quite clunky and quite difficult for lay people to access, as compared to, for example, the Scottish Law Society's website, which is apparently very easy to navigate, has got all the right drop-down menus and so forth.

We have talked about providers of what I would call quasi-legal services, but who are not lawyers. So will writers, immigration ‘advisers’, and whether there is a need for the Law Society or the Isle of Man Government to be a bit more proactive in their regulation.

45 We have obviously talked about Temporary Advocates’ Licences, and I would be interested to hear your views on whether that system is working to the benefit of the Isle of Man, but also clients generally.

And then, again, we touched upon access to the corpus of Manx law. I made the obvious comparison about, if I am a family practitioner in London, I can go and get *Rayden* out and see what I am supposed to do. There does not appear to be an equivalent collection of textbooks or a compendium of Manx law available; clearly a function of the economics of publishing – why go to the expense of writing and publishing a book which will cost you £1,000 if there are only 40 people who are going to buy it?

55 So that is an illustration of the subjects we have been discussing and, essentially, I would like to run through those with all three of you as a matter of conversation, not as a matter of answer my question or you are in contempt. Then, as I said, we will absorb all the information we have, I want to go and see what happens in Jersey, if I possibly can, with their legal education system. I have already spoken to the First Deemster, to Jeremy Storey, your Court of Appeal Judge, but I want to speak to some of the Panel Deemsters who visit and deal with cases here. And perhaps to talk to people like Prof. Edge, who is currently at Oxford Brookes, but who has quite a depth of knowledge about Isle of Man law. That might go to my textbook point.

60 But please do not feel constrained by my questions. If you have got other things you want to say, say them, and if there are things that you think about later that you want to draw to our attention, please just email Samantha and me in our chambers in London, or do it through Dan Davies, the senior civil servant at the Department of Home Affairs, who is our funnel for bringing in information.

65 But I do not want you to think that this is just a private conversation, between us, because it is not. (**A witness:** Yes.) So do restrain yourself if you do not want to say things which you do not want the world to know about, or even your neighbours. As I said, we will develop the conversation as we go along and I hope you will find it as useful as I am sure I will as well.

70 So can I perhaps begin with entry into the Manx legal system, as a professional entrant? You have to be a graduate, you have to pass your Manx law exams in order to be a Manx lawyer. Do you find, from your point of view, that not being a member of the Manx Bar has been an inhibiting factor, has it been a restraint of trade, or do you think it works, not necessarily to your advantage, but it is perfectly fair because you are in their jurisdiction and therefore you must do what their jurisdiction requires in terms of qualifications?

75 Colin, I have got you in my sights, so why don’t you start off?

Mr Bird: I do not have a problem with it. I think that, as you said, the Manx qualifications to become a Manx advocate seem to work fine. I have never studied it in detail. I have a reasonable knowledge of what is required. I sit on the Isle of Man Law Society as an associate member, being a registered legal practitioner. It certainly has not been an inhibitor as far as my practice and our business is concerned.

80 I think if we look back at the Advocates Act, it is very clear what the reserved work is and you need to be an advocate if you are going to do any form of litigation, appearances in court – so criminal and civil work – property and probate. Then there are also restrictions on drawing documents, deeds, and there is an exemption for personal property for registered legal practitioners.

85 So if you are not practising in those realms, it is certainly not an inhibitor at all. We are very much an international practice, incorporating Isle of Man law, UK law and elsewhere, so it is certainly not a problem. In fact, the registered legal practitioner system, I believe, has worked very well to promote businesses such as ours to enable us to practise in conjunction with another part of the business, which is our international corporate and trust services business, which of course

95 is an important part of the economy locally. So for me, it works very well and for our business it has worked very well. I have been a registered legal practitioner since 1999, so for the last 23 years it has worked fine.

I think it does need some refinement and it does need clarifying as to who needs to register, so there are some improvements to the registered legal practitioners system –

100 **Q2. Lord Garnier:** Do you have any specifics in relation to the refinements that you would suggest?

105 **Mr Bird:** Yes. Certainly the definition of who needs to register just needs a slight tweaking. In my mind, it is very clear. The Legal Practitioners Registration Act in section 1 says, the Act's exact wording, 'No person carrying on a business in or from within the Island shall' practise or use the name advocate, solicitor etc., unless they are registered. There is an interpretation of that that says, well, if a foreign lawyer is employed in a local advocate's practice, that person is not carrying on a business and does not need to register. I think that creates a gap, so there is a hole where foreign qualified lawyers are practising here who are not registered. So there is perhaps a gap there.

110 I think it should also be refined to make it clear that really, what is this targeted at? It is really at the public. So if somebody is in private practice, you would expect them to be registered. If they were pure in-house counsel for, let's say, an insurance company or a local property company, I do not think those people who are not in private practice need to be registered. So I think some clarification or just some firming up around who needs to register. There are other points about who should maintain the register and so on, which we can get on to later, but that was the one point.

115 I think it would also be beneficial ... at the moment it is voluntary for registered legal practitioners to become associate members of the Law Society. In my view, I think that should perhaps be made compulsory so that you have a centralised body to which they are accountable. As registered legal practitioners, we still remain accountable to our home jurisdictions, and we are covered, to a large extent, by rules and regulations from our home jurisdictions, so we have to be mindful of that as well; that you do not get conflicts happening. But I will stop there and let my colleagues have a chance!

125 **Q3. Lord Garnier:** Okay, Martine, do you want to add to what Colin has just said?

Ms Fleming: I think I concur with everything that Colin actually said then – and I had not met Colin before the lift and the journey from the front door to here!

130 Like Colin, I spent 20 years in practice here for a foreign firm, so to speak – it was a firm of English solicitors – and I never found that it inhibited practise because we did not do reserved work. Like Colin, we had a trust and corporate services provider side business, and so it enabled us to provide an all-encompassing service to mostly international clients. That obviously benefits the sector here and, indeed, the legal sector, because we would take things so far, but then when something became litigious and needed to go to court, or we had something that did happen to involve some local property, we had to reach out for Manx advocates. They would take on the file from that point onwards. So we worked in conjunction with firms of Manx advocates.

135 I am probably slightly ... so I have then since become a hybrid version of Colin. So I have done what Colin has done and then I have spent three years working for a firm of Manx advocates now, and it does not inhibit what I do. Personally, I think I have reached a stage in my career where I have no burning desire to go and appear in court, so I carry on doing what I am doing. I think for somebody more junior to me who is working in an advocates' practice probably would want to follow that road. It has never inhibited me and I think it is appropriate that there is a qualification, and I know we will come on to that in this discussion, but I think that it is appropriate that there

145 is something that requires you to show your capabilities to be a member of the Manx Bar. I think that is appropriate.

Q4. Lord Garnier: Ben.

150 **Mr Hughes:** Yes, all very similar. When I came to the Island I joined Cains and I am a solicitor of England and Wales and therefore have never done the Manx Bar. Cains' practice then was never to require their English solicitors to register as RLPs, so that never happened. I think they took the view that it was Cains that was issuing the legal advice, not the individual lawyers, and therefore we sat under the umbrella of their status as a regulated law firm.

155 I agree with Colin that I think there is a lack of clarity around what the requirements are around being an RLP. I think that could do with clarification. I would have thought, if you are a UK solicitor who is practising, who is giving advice, who is in the Isle of Man maybe giving English advice, presumably you would have to be an RLP, at that point, if you were resident here?

160 **Mr Bird:** Yes, you do. I do not think there is any restriction on what type of legal advice, it refers to practising under the name or style or title of advocate, solicitor, barrister or using those styles or titles in any way.

165 **Mr Hughes:** Right. So I think historically there probably has been ambiguity as to when you should register as a legal practitioner, particularly those non-Manx advocates that were practising under the aegis of a Manx law firm. But, yes, I agree that we need a separate qualification for the Manx Bar. It was never an obstruction to me practising here, because I was not doing the reserve work, effectively. That is an explanation of your practice, but there are other issues around whether it encourages or discourages people from taking up a career or from coming to the Isle of Man and practising here. But in terms of actually advising, giving advice, I do not think there is
170 a problem in that regard.

Q5. Lord Garnier: It clearly does not appear to have worried you three that you cannot become a partner of an Isle of Man firm, or perhaps you went to Keystone because you could not become
175 a partner at Cains?

Mr Hughes: Yes, I would say that was a motivating factor for going to Keystone, because effectively Keystone is not a traditional Manx law firm in that regard. And I think it potentially does put people off.
180

Q6. Lord Garnier: Do you think it is killing the goose that lays the golden egg? Is the Isle of Man doing itself a disservice by making it more difficult for outsiders to practise here as fully integrated lawyers?

185 **Mr Hughes:** Yes, I touched upon this in my email. I think the Isle of Man is going to have to diversify away from its traditional offering in terms of the international market, because previously the sort of law firm I joined, Cains and Appleby, and presumably Maitland as well, they were there to service the trust and corporate service providers and therefore giving a lot of corporate opinions and doing a lot of commercial work around the kind of asset-holding
190 companies and trusts that were established in the Isle of Man.

So the practice is quite narrow and as you move away from that kind of model, in terms of the Island is going to ... it cannot continue to just have all of its eggs in that basket. It has got to diversify and if you are going to diversify, you are diversifying your offering. And in order to diversify your offering, you are going to have to diversify your expertise. So you are going to want to attract
195 lawyers who have expertise outside of the very narrow corporate world that traditionally the Island has attracted, those kinds of lawyers.

200 So to do that, I think making it easier for those people to come into the market and have a career, without requiring them to then learn a whole load of Manx law that is going to be completely irrelevant to their selected practice area, that would be helpful to the Island. That would be a kind of driver for the economy. Whereas if you were a sort of 10-year qualified IP lawyer and there was an opportunity for the Island to do something in IP law, let's say, the prospect of coming here and having to learn a whole load of property law and criminal law and this and that, that presumably is a disincentive if they could go somewhere else and ply their trade and not have to go through six months of doing that kind of thing.

205 **Ms Fleming:** That has been a historical thing as well, in that when I started my legal career in the Island, I think there were 65 members of the Manx Bar and there are now over 200. And Ben is quite right: as that trust and corporate sector grew, the trainee procedure, most firms would have one a year or two a year, whatever – there were no very large firms here – they had to look elsewhere to bring in ... The demand for legal services outstripped the resources.

210 So there are a lot of lawyers who came to the Island in that period, mid-1990s through the 2000s onward, who have come in and brought expertise. Many of them have qualified to the Manx Bar, some have not, but that became a necessity: to bring in the expertise to be able to meet the demand for those services. The firms had to look to firms, solicitors – particularly in England, but in other jurisdictions as well – and bring in people with expertise, then work for them and give them the opportunity to join the Bar in some cases and maybe not in others, whatever went on in individual firms. But that is how that demand really came about, and has carried on, really.

215 It is difficult to grow people from scratch, particularly when the number of years that goes into someone being able to say that they have got expertise in an area, reaching out and being able to bring people in from outside has been an important part of ... and the quality of the services that we have in the Island. I think we are all very proud of the quality of the services here, not just at the Manx Bar, but also in the wider legal community. I think it is something we have a very strong sense of providing, expertise in the Island, and so it is important to be able to reach out to those resources.

225 **Mr Bird:** No, I think if I can add, the restriction on becoming a partner in a Manx firm probably is a deterrent. Although in my case I have not been in a Manx firm, but I suppose if I were thinking about changing jobs now, that would be a factor. It would be less attractive, I think. So that perhaps needs looking at.

230 Just to pick up on Martine's point on recruitment, it is incredibly difficult to recruit quality candidates locally. Because it is a small market, everyone is very busy, the quality candidates you just end up poaching from the neighbour. That is not really good for the jurisdiction as a whole. We are trying to recruit at the moment a junior. We have had one CV in locally and three internationally. So even internationally it is a very difficult market.

235 So I think anything we can do to make it attractive and recognise that to qualify as a lawyer anywhere, we have all had to go through a number of years of qualification, in my case in South Africa, including articles at seven years. You do not really want to start that again when you move somewhere else, but at the same time appreciating you may need to get some local knowledge or have some other –

240 **Q7. Lord Garnier:** To turn the coin the other way around, you have done seven years in South Africa, you would not want me turning up saying, (**Mr Bird:** Yes.) 'All right, I'm now going to be the partner of Colin Bird' –

245 **Mr Bird:** No, sure. I do appreciate that and I do understand there are some sensitivities and so on, but I think, certainly in the Isle of Man's situation, as we were saying, that our businesses actually complement and add to the economy. I have not seen any evidence of registered legal

250 practitioners taking work away – we are not Manx advocates – from Manx advocates. In fact, I think it goes the other way: they get work from us. I have looked at it over years, because they –

Q8. Lord Garnier: Could you quantify that in any way, apart from the most general terms?

255 **Mr Bird:** It is difficult to say, in terms of how many pounds and pence in fees and what have you, but we –

Q9. Lord Garnier: It is a regular occurrence that –?

260 **Mr Bird:** Yes, I think it is fairly regular. It obviously depends on practice. As you will know yourself, you get busy at certain times in certain areas and it ebbs and flows. But certainly I think it is a net contributor to the economy. It is not only to the Manx advocates' firms, who might be engaged via registered legal practitioners, but obviously staff are employed, there are taxes paid, there is money spent in the local economy on IT and everything to run a business.

265 So as a whole I think it is a net contributor, and I certainly do not believe that registered legal practitioners take any work away from Manx advocates.

270 **Q10. Lord Garnier:** Is there a halfway house where perhaps if you wanted to become a partner of a Manx firm, but you did not want to do the full breadth of practice, from crime, to family, to ... and you just wanted to be a trust lawyer, or just wanted to be a corporate advisory lawyer, you could perhaps take that bit of the Manx Bar exams, not worry about the criminal, or not worry about the property law side? Is that a practical possibility or would that be seen by the Manx Bar as an undermining of the integrity of the examination system?

275 **Mr Hughes:** To pick up on your point about just pitching up in South Africa and becoming a partner of a South African law firm, there is a lot of commonality between the UK and Isle of Man law. The Manx Bar will tell you that there are key differences, and there are, but actually Tynwald does not reinvent the wheel every time it brings in legislation. It often piggybacks on whatever the UK has done. So I think there is scope for the Manx Bar to be a lot more nimble and clever in terms of the requirements it requires people to meet. That would not just apply to being a partner, that would apply to anyone who wants to qualify here as a Manx advocate.

280 I think another halfway house is that if you have been here practising within a firm and practising Manx law for a certain period of time, after that period of time, and with the benefit of having been around or been within a firm where you have had the support of other expertise around you and you have been able to draw upon that, maybe that is another route through to getting some kind of recognition which would enable you to participate in the ownership and management of a Manx law firm. Because in my case, I have been practising pensions law here for almost 20 years, and I think I know it as well, if not better than anyone else on the Island, because there is no one else who just does pensions law, and that is all I do. So it is a bit odd that there is no formal recognition of that, and I am precluded from being a partner and practising my trade as a pensions lawyer. So that is odd.

285 **Q11. Lord Garnier:** Is the status of being a partner important, or is it the remuneration that comes with being a partner, or is it the management responsibilities and powers within a firm of being a partner?

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Mr Hughes: Well, I could only speak personally. Personally, I quite like the fact that I am not a partner in a traditional Manx law firm, because we found a way around it. We are effectively much more like a chambers, in that we share overheads, but we all just make money from what we earn and then a certain amount gets fed back into the business to cover costs. I quite like that, because

300 you are not having to deal with all of the baggage that goes with running a firm and having people
beneath you, that kind of pyramid structure, which eats up a lot of time.

So I like the fact I can just focus on my clients, but that is not true of everyone. That is just a
very personal position, personal experience.

305 **Mr Bird:** I think that is an individual, personal ... Some people want to be a partner and some
people do not. (**Mr Hughes:** Yes.) it is probably very personal in that respect.

Mr Hughes: But presumably it does put people off if they are looking at the Isle of Man and
they are thinking, 'I'd have to do those exams, I've got a following.' I suppose that just eating up
310 time going through, doing the exams and then doing your year as ... Is it an article clerk?

Mr Bird: Yes, I think if you –

Ms Fleming: Trainee, yes, I think.

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Mr Bird: –have been qualified, there is a shorter period, if I recall correctly – (**Ms Fleming:** Yes,
one year.) that it is one year instead of two, but you have still got to do it. And it is under the
supervision of an advocate, because I remember looking at it myself and thinking, 'Well, how does
that work?' and then there was an interpretation in the Law Society, to say what does 'under the
320 supervision of an advocate' mean. Someone like me, who is not in an advocates' practice, could
I actually do that –?

Lord Garnier: Two doors down the street.

325 **Mr Bird:** Yes, and the interpretation was no, I would actually have to go and sit in an advocates'
practice or an advocate would have to come and see me. But it was more, no, you would have to
come into an advocates' practice. It is a bit vague. I do not think anybody has actually qualified on
that route, that I know of.

330 **Ms Fleming:** No, because you cannot. I think I looked into that years ago as well and I did have
an advocate who was willing to supervise me, but I would have had to change employer (**Mr Bird:**
Yes.) and then there would have had to have been a financial arrangement in the background
where they were recompensed for me. In the end we never got round to it, I think I went on
maternity leave or something at the time and it just never happened. It is prohibited in those
335 circumstances. (**A witness:** Yes.)

But just turning to the other aspect of the question, because that is the qualification aspect,
I think in terms of a two-tier system, there is a danger in that, because what one would not want
to happen is to have ... there are lots of people who do not want to go to court and do not want
to be involved in it, but all of us, when we have done law degrees or however we have qualified,
340 we have all had to do some criminal. Because we are all really corporate chancery practitioners,
but we have all had to do some criminal, we have all had to do some tort, we all know a bit about
constitutional law because we have had to do it.

I think there is a danger, if you create a two-tier system, that everyone is going to say, 'Yes, I'll
happily do this part qualification' and we could end up with a Bar that has 90% of people, for
345 instance, in that category and a very small number of people who are available to actually go to
court or to do certain areas of work. I think that is dangerous. I think there are issues with that
and that there are some people who maybe, when they are junior, think they would not be very
good advocates and actually turn out to be excellent advocates once they get practising and they
do ... I do not know if they still do them: the Young Lawyers Association here used to do a lot of
350 debating and, (**Lord Garnier:** Moots?) moots, yes; pretend trials and things like that. And actually,

some people who you would not think would say boo to a goose turned out to be the real stars of the event, and went on and became encouraged and became very able advocates from that.

355 So I think there is a danger in people specialising. I can see its merit when you have had many years in practice in a specific thing – as Ben was saying, his pensions practice – but there is the wider consideration of the Bar and being able to, for all of us, as I said, I am in advocates’ practice now, but if I were not, and we needed an advocate, someone to go to court, we would want to have a selection of people with a selection of expertise and a selection of abilities in terms of seniority etc. to be able to take that file to a court hearing. So I think we have to be very careful with looking at a two-tier system.

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Mr Bird: I also think I would agree with that, and it potentially is confusing to the public as well. If you have got people who are qualified or have practising certificates that are limited in one way or another, I think it could become quite confusing. It could become very cumbersome to manage and administer as well, and costly.

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Mr Hughes: Is that what you were suggesting or was it more a test for partnership?

Q12. Lord Garnier: It is just an idea that has been canvassed during the course of today, that you could have people like you, who are qualified elsewhere, but nonetheless qualified, in order to prevent the inhibition that you face because of the Manx Bar rules –

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Ms Fleming: Sort of associate membership of the Manx Bar.

Lord Garnier: Yes. Now, there is the presentational problem about, ‘Oh, he’s only a second-class lawyer because he’s not this, that or the other’. But that may be more a problem in perception than in reality, I do not know.

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Mr Hughes: I do not really think that works very well, if you just have a sort of targeted test, for all the reasons you have mentioned. It seems odd, yes.

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Lord Garnier: Yes.

Mr Bird: I think the practicalities of doing it is also, (**Mr Hughes:** Yes.) I think, probably disproportionate to the outcome. The Law Society has just recently been looking at the new way of qualifying and new exams and so on, and I just know a little bit about all that has gone into that and the costs involved in that. Now, if you start tweaking it and having slightly different pieces for different people, I think that could become very expensive and difficult to do as well.

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Q13. Lord Garnier: I get the impression from talking to others as well, not just practitioners but other people involved in the law, that it is important to the Isle of Man to maintain its independence as a separate jurisdiction. (**Mr Bird:** Absolutely.) And that if there were any dilution of the qualification system, to get associate members or people who are qualified only to do pensions law, but nonetheless you are a Manx pension lawyer, not a Manx whatever, you would damage that separateness.

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395 It seems to me that there must be some, I do not mean a compromise in the sense that the Isle of Man gives away its independence, but in order not to inhibit good lawyers from coming to practise here not just for the benefit of the legal economy, but the general economy and for the development of the law here anyhow, there may be some way that we could fashion a system which protected the independence of the Isle of Man as a jurisdiction, so it does not just become an adjunct to Liverpool District Registry, but nonetheless does not keep people like you away.

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You add value to here, it will be said, and so your successors, your contemporaries, someone of 10 years’ post-qualification experience, you want them to come, (**Mr Hughes:** Yes, absolutely.)

even if they only come for five years. But you want them to come and to add value to what is going on here. I do not know whether this happens informally or whether it is people working in good London firms or good Birmingham firms or good Newcastle firms or good Edinburgh firms say, 'Well, I'd love to go there, nice place to bring up my children, but frankly, it's not professionally sensible for me to take myself out of my home base, lose seniority or connections in Birmingham or London or wherever, because once I go there, I won't be able to come back to Clifford Chance or whoever. And even when I go there' – here – 'I cannot develop in the way that I would like to.' Is that a dilemma that I am making up or is it a ...?

Mr Hughes: No.

Mr Bird: I think the registered legal practitioner system in principle actually allows for all of that. It is a little bit like the status – you cannot become a partner – and maybe we need to examine why is that rule in place. And it might be, I have not given it a great deal of thought, but it might be that it is because it goes back pre-incorporation of practices, where partners are liable jointly and severally for the advice given by the other partners. So I do not know, maybe it goes back to that. Whereas if you have got an incorporated practice, the practice as the legal entity is now liable and if you are a director, why can't you be a director of that, just because you do not have a Manx advocate qualification? It is a question, I say. Maybe you should examine the root and why that rule is in place.

Lord Garnier: Yes, what's the policy behind it.

Mr Bird: What is the mischief that they are trying to ...?

Ms Fleming: England moved to 25%; the profit share could be 25% non-lawyers ... quite a ...

Mr Bird: Yes. The rules actually do allow profit share. Somewhere in the advocates rules, I think I am correct in saying it, an advocate can share their fees with another lawyer, so I do not think the profit share –

Mr Hughes: That must be right, because that is how Appleby worked. Yes.

Mr Bird: So you can share with another lawyer, it does not have to be another Manx advocate, (**Mr Hughes:** Yes.) so from a remuneration point of view, it should not be a problem, but from a title and a partner and that sort of thing, it is.

Q14. Lord Garnier: This is not something we are going to be able to resolve today, but it is useful for me to chew over these issues to see where the controversy lies, if there is a controversy, and to just poke away with a stick to see whether there are ways of dealing with this, without destroying the independence of the jurisdiction, without disinhibited good lawyers from England or wherever they come from from coming here, either full-time or for a period of years. It is a small place, but it is a jurisdiction which generates a lot more legal activity than its population size would necessarily suggest.

Mr Bird: I am all for retaining the independence and so on as well. I do not think the floodgates should just be opened and say, 'Well, anybody who's qualified.' I am also qualified in England, but 'Anyone qualified in England should be able to practise', I do not think that is a good idea.

Mr Hughes: Yes.

455 **Ms Fleming:** There are concerns because England are making changes at the moment, or have recently made changes, I think there are concerns there as well, because we have not seen how that is going to play out. There is a concern across the whole legal practice in England about the changes to SQE and –

460 **Q15. Lord Garnier:** Yes. It is essentially leading to non-graduate entry, which is what could have happened 50 years ago, 60 years ago.

But I ask this question out of ignorance: two English solicitors, one South African solicitor, you are accountable to your English and South African law societies for your professional conduct here, is that right?

465 **Mr Hughes:** I think so, yes.

Mr Bird: I am also English qualified, so I tend to be stronger towards the English side just because it is closer to –

470 **Ms Fleming:** I think the Legal Ombudsman in England has jurisdiction over English solicitors outside the jurisdiction. Obviously the compensation scheme that the Legal Ombudsman can award is restricted. It used to be up to £30,000, though I am not sure what it is at the moment, but I think that they also have the jurisdiction. (**Mr Hughes:** Is that right?)

475 Maybe not if you are not in a firm, an SRA-regulated firm. That was the case in my previous firm. Because we were an SRA firm in the Isle of Man, we were English solicitors in the Isle of Man, we were also subject to the Legal Ombudsman's powers.

Mr Bird: Some of the English rules do not apply here. So things like accounts rules, client account rules.

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Ms Fleming: Yes, it is the overseas practice rules.

Mr Bird: That is probably a gap and an issue that –

485 **Ms Fleming:** Well, the first rule of the overseas practice rules is that you have to comply with the local rules!

Mr Bird: Yes, and there aren't any!

490 **Ms Fleming:** So yes, it ...

Mr Bird: So the accounts rules is a gap that probably, from a public protection point of view, needs looking at.

495 I think the other thing we need to bear in mind is that the registered legal practitioners are subject to the Advocates' Disciplinary Tribunal and rules, and that is very clear. So disciplinary procedures follow the same as advocates, and I think that is probably correct. I know that there is a lot of talk about the ADT and it needs refining and updating and so on – that is fine. But I think it makes sense that all lawyers practising in the jurisdiction are subject to the same disciplinary tribunal and the same rules. I think it is logical; it is the case. The conciliation process is not applicable to registered legal practitioners, but the rest is.

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Q16. Lord Garnier: That rather neatly moves on to the next area I was going to have a discussion about, which was the complaints system, the client complaints system. We all know, it does not matter which area of a service industry you are involved in, there are going to be a number of clients, customers, who do not want to sue you for professional negligence, but they

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just feel rather annoyed at the way they have been treated or the letter has not been responded to within a reasonable time, somebody was a bit sharp with them or whatever. And they just want somebody either to say sorry or produce some sort of low-level remedy.

510 **Ms Fleming:** It is usually a cheque, but ...! (*Laughter*)

Q17. Lord Garnier: Well, depends on the size of the cheque, I guess. But it is a system which works well if it is known about and if it is operated with goodwill from within the firm. If you are in a big London or Birmingham or Johannesburg law firm, you have got lots of people who can supervise other people within the firm so that that sort of apology system works. But if you are in a small Isle of Man firm, or presumably if you are a relatively small non-Isle of Man firm practising here, how do you operate that way, how do you operate it, and how do you make sure that there is public buy-in, that there is public confidence in it?

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520 I am not the least bit going to be surprised if you say you have never had a complaint, but you get the odd green-ink sort of fellow who just will not let you go and feels that he has been (a) ill-treated, but (b) his complaint has not been taken seriously. Is that a problem that people in your positions have to cope with? Do you have systems which anticipate those sorts of things?

Mr Bird: Well, in our business, that is dealt with in the engagement letter, making it clear our status and that we are governed by the English Law Society and we have a complaint handling procedure, so if we do get a complaint, there is an internal procedure to go through and we follow that. So from our side, it seems fairly clear, but I suppose you would have to ask the clients how clear that really is for someone –

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530 **Q18. Lord Garnier:** You collectively would be dealing with the more sophisticated type of client, would I be right? You are not getting people off the street? (*Interjection by Mr Hughes*) You are not getting a little old lady who trips on a paving stone?

Mr Hughes: I think it is those kinds of clients who end up being the kind of clients who would write those kinds of letters, because for corporates it normally gets sorted out ... I do not know. In my experience, it just tends to get sorted out and it does not tend to, if there is ever a bad feeling or a complaint or something like that, it is just resolved quite quickly. Whereas it is probably the people coming in off the high street where you might get those more prolonged and ... Also, they might be the kind of people who are less savvy in terms of their ability to bring a complaint etc.

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545 But you are right, Colin, it is all in the engagement letter, and for Keystone Isle of Man, although it is a small Isle of Man firm, actually sitting behind it is a 450-lawyer firm in the UK, and we tap into all of their systems and administration and everything else. So if there was ever anything big that needed investigation, there would be independent people who would come in and look at it within our compliance department. So yes.

Q19. Lord Garnier: Yes. It is probably the wrong question to ask you, because you have got more sophisticated clients, I guess, but also you are not getting people off the street, and I think it is probably the small private client who is going to be unfamiliar with problem-solving, unfamiliar with dealing with lawyers on a regular basis and corporate clients, (*Interjection by Mr Hughes*) large pension funds, whatever, they are going to be pretty savvy and they just turn you off if they think you are badly behaved. They take their work elsewhere.

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555 **Mr Hughes:** I think you are right, it is people who do not use lawyers a lot who sometimes, when they bump up against chargeable hour rates and the fact that people are charging for reading letters, that generates, sometimes, bad feeling because they are just not used to it.

560 **Ms Fleming:** Or they are dissatisfied with the outcome, (**Mr Hughes:** Yes.) and they do not understand that the lawyer is there to perform a function but cannot ... (*Interjection by Mr Bird and Mr Hughes*) All litigation carries risk.

Mr Hughes: Yes, absolutely. That is true.

565 **Mr Bird:** Yes, certainly I think my experience has been similar to yours, Ben: where there is a complaint or an issue, we sort it out. It has not been a big problem, really.

Mr Hughes: Yes.

570 **Q20. Lord Garnier:** And then moving up to the ... you mentioned the ADT system here. Again, would you be surprised if any of your clients took matters that far? If you had not managed to sort it through a negotiated compromise before then, you would have got it wrong?

575 **Mr Bird:** I think that is obviously going to be an individual incident and client situation – and an individual firm, I should say; how does the firm approach dispute resolution or complaints handling with its client? In our view it is well, you want to resolve it. You want to resolve it, you are going to do everything you can. If you cannot, then it is going to follow a course, which may involve the ADT or the courts in some way, but that is the way it goes. We all have to have PI insurance and so on, so there is that angle that comes in, but ultimately that is where it goes. If you cannot agree a settlement, it is the same as any other dispute, in my view.

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Q21. Lord Garnier: And do you belong to the Isle of Man Master Policy system or do you have to ...? Yes, no ...

Mr Hughes: Yes, everyone.

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Ms Fleming: Yes.

Mr Bird: Only the advocate firms.

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Mr Hughes: Oh really? Are you guys not?

595 **Mr Bird:** As a firm, if you are not advocates, you cannot be part of the Master Policy, which is fine – suits us – but to be registered as a registered legal practitioner, you have to, on an annual basis, renew your registration and one of the requirements is to prove your PI cover. So I do not see that as a problem for the public, everyone is protected, but the Master Policy only covers advocates.

600 **Q22. Lord Garnier:** And would – tell me to mind my own business, but – you then do that through the solicitors' indemnity system in London or would you –?

Mr Bird: No, we do our own.

Lord Garnier: – broker your own insurance here?

605 **Mr Bird:** We are part of a bigger group, so it is a bigger group that offers quite a wide range of services and the legal service is only part of that. So we have a big group policy that covers, and way in excess of the minimum requirement, yes.

610 **Ms Fleming:** But if you are not in the Master Policy, you are out in the market, on your own, basically.

615 **Mr Hughes:** Just to finish that point about potential confusion around who someone should complain to, I think, because I am regulated by the Solicitors Regulation Authority, if the internal procedures had not resolved the dispute, then it would be incumbent upon us to then notify the client that their next step is the SRA in respect of anything I have done, or if it was one of the advocates within the firm, it would be ...

620 It is a bit confusing, because if it is the law firm issuing the advice, presumably there is a bit of a crossover there. I suppose if it was something I had specifically done, it was a complaint against me, then it would be the SRA more obviously than the Manx Bar. But if it was a complaint against the firm, then maybe it would be a complaint to the Manx Bar, I do not know. Because we are a regulated law firm in the Isle of Man, so that could be quite confusing.

625 **Q23. Lord Garnier:** Yes, perhaps that needs to be clarified in some way. I can see that if you as an individual, as Mr Hughes, if you were rude –

Mr Hughes: Yes. That is an SRA matter, potentially.

630 **Q24. Lord Garnier:** Yes, that would not be Keystone's problem, (**Mr Hughes:** No.) but nonetheless, somebody might want to do something. But if you, either on your own, but as part of Keystone, negligently set up a useless pension scheme, well then, would I sue you here, would I sue you in England – or would I complain, rather?

635 **Mr Hughes:** If it was around a negligent act, it would be the law firm. Because it is the law firm that has the insurance, it would be the law firm that you would sue. As a regulated law firm here, we are both part of the Master Policy, but we also have our own insurance that has a much bigger liability cap that is separate to that. So yes, but I –

640 **Mr Bird:** I think you might find that the complainant has a choice. (**Mr Hughes:** Yes.) They might be able to make a complaint in the SRA against an individual English solicitor and also file a complaint here with the ADT. I know –

Mr Hughes: It would depend on the complaint, wouldn't it?

645 **Mr Bird:** Yes, I think so.

Mr Hughes: Because you could say, well, they were not being managed properly or whatever the complaint is, plus I have a complaint against them individually for their behaviour. So it is probably on the substance of the complaint that determines where they direct their ire.

650 **Q25. Lord Garnier:** I do not want to get things out of proportion, nor do I want to take up eight chapters of the review talking about something that never happens. But do you think this is an area of client handling by lawyers generally in the Isle of Man which needs to be clearer? If you and I are having a discussion about it, just think what it must be like for ...

655 **Mr Bird:** I think it would be useful for the public to have somewhere, and you referred to the Law Society website earlier and the Scottish one that was easier to follow, but if there was something publicly available to say, if you have a complaint, these are the basics steps, (*Interjection by Lord Garnier*) or there is a procedure, just this is who you need to contact. If the person is a Manx advocate, if they are qualified somewhere else, almost a little flowchart, very easy, 'Here's a link to the SRA', here is a link to wherever it is, just to make it a bit clearer. But I

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think the first step is have you looked at the engagement letter and the complaints handling process that all firms should have. That is number one, have you exhausted that, and then you go down the next route.

665 **Q26. Lord Garnier:** I am getting a consistent theme from people who are talking to us about the need for better explanation of routes to resolution. I think it is one of these things which the Law Society perhaps needs to lead, but nonetheless practitioners such as ourselves need to assist them in producing the most suitable type of guidance. And you are in the happier position of being an associate member of ... Are you on the council?

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Mr Bird: I am on the council as well, yes.

Q27. Lord Garnier: Yes, so may find the hand of history will land heavily on your shoulders. But anyhow.

675 Temporary Advocate Licences: if this is not something that you have to cope with, because you are not doing court work, you are not requiring to get a specialist pension Silk in from London or a special tax Silk in from wherever, or you are not having to bring in outsiders to assist in the work that you do, well then, I will not even waste your time talking about it. But if it is useful for us to have a discussion about Temporary Advocates' Licences –?

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Ms Fleming: Yes, I use those.

Mr Hughes: I think so, yes.

685 **Ms Fleming:** I presume you use counsel for –

Mr Hughes: Yes, we do.

Ms Fleming: Yes; so yes.

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Lord Garnier: And do you find that works, both for you, but also for your client? Do you find it a difficult thing to get if you –?

695 **Ms Fleming:** It depends on the matter. Obviously it is always subject to the complexity and financing available in the matter. Counsel used to be able to be licensed here quite easily. Again, I referred earlier to how many members of the Bar there were just going back 20, 25 years, when now we have over 220 members, or something like that, of the Manx bar. There has been a real move, particularly when Deemster Doyle was the First Deemster, to rely on local expertise and expect the local advocates to step up to provide that expertise and not to be lackadaisical about it, whatever. That they should be able to take on complex commercial cases and they should be able to run those. So it became increasingly difficult to have counsel licenced.

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There are certain circumstances where it is a lot easier. I think in the criminal, if we have a murder or anything like that, it more or less gets nodded through, but in the commercial practice where we practise, it very much depends on the complexity and you have to show ... The last few years there are quite a few cases where it has been turned down – cases where it has been allowed as well, the applications have been allowed. But you have to show real complexity in the matter to be able to get counsel to actually appear.

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What happens in practicality is often, in those cases, counsel, junior or senior, will be in the background providing advice. I have been involved in a case where we sat Robert Ham QC behind, or actually I think this was next to the Manx advocate, because we could not get him licensed, but he was there and on tap, so to speak.

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715 So it depends on the case, and there are cases which definitely merit it, but I think that the general movement towards expecting the Isle of Man to have its own expertise to be the right way to have gone. It is just helpful sometimes to have that expertise actually able to speak, actually appear in the court.

I do not know what your experience is, Ben?

720 **Mr Hughes:** No, I would agree, because it becomes a bit of a nonsense if you do not get licenced and it is complicated and the only advocate you can get is concerned that they are not up to it and they need that support.

This is probably a terrible analogy, but there is always a worry with premiership clubs where you have these international superstars come in and they are the only ones who are going to get played, and it is going to withhold the development of the English players or the Scottish players or whoever it is. But actually, being around those superstars brings people on, I think.

725 So you highlighted the nonsense of having Robert sat there next to the advocate, I think that is a problem, but also having, just being ... I understand where Deemster Doyle was coming from, he thought it was going to hold people back by not being given the opportunity to do these cases, but actually, I think you just ended up potentially with things not being litigated as well as they could have been, and that is not in anyone's interests. It is definitely not in the client's interests.

730 And exposure to very experienced QCs is really valuable for the local advocates because they can normally get involved. They will normally be involved and also the other thing is just things are so technically complicated now, it is a bit like having a cottage hospital that just sees one complicated case every five years – you cannot expect the guy to just do the surgery there and then. You want the people who are seeing it all the time to do that kind of more complicated procedure.

735 So I think we have been too reticent in terms of licensing people, and that should be freed up a bit. I think that would be a positive thing for the Island.

740 **Q28. Lord Garnier:** I was given an example anecdotally when I was last here, of a case where a licence had been refused, but it was quite clear that the skeleton argument and the submissions had been drafted offshore (**Mr Hughes:** Yes.) which the judge was able to read and to understand. But he said, 'Mr Smith, I want help, please, with paragraph 73', and the local advocate, all he could do was read it out again, which was not helpful. (**Mr Hughes:** No.)

745 So you can get the odd case where you need the Robert sitting next door to him or you need the Robert to be doing the presentation. But how you can sort that case out at the application stage, which might be six months before the trial or whatever it is, is I guess a difficult thing to work out.

750 **Mr Hughes:** Yes. I feel sorry for the advocate in that position, because it is like trying to give someone else's presentation: if you have not written the presentation, it is really difficult to give the presentation, because you have not gone through the thought processes.

755 **Ms Fleming:** I think you are right, Ben, that advocates definitely benefit from being a junior. I was always around counsel and doing stuff with counsel, and I think you are quite right that the experience and obviously whenever they are licenced the advocate is usually there assisting them. And to see good advocacy, it is an education in what good advocacy consists of, and I think that is something that really does develop people.

760 **Mr Hughes:** I agree; and they are not lost. It is not like they are lost. They effectively become the instructing solicitor in a way; that the advocate litigator will just be the instructing solicitor.

Q29. Lord Garnier: But how do you counter the Deemster Doyle point that he wanted to see the local Bar –

Mr Hughes: Raise its game.

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Lord Garnier: – step up to the plate and develop itself so that it did not always lazily say, ‘Oh well, it’s too difficult, get someone else, and I will just sit –’?

Ms Fleming: I think there is a balance to it.

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Mr Hughes: Yes, there is a balance, but one counter is, well, sometimes it is too difficult and you cannot just wish something into existence.

Mr Bird: I have not had any experience with having to get Temporary Advocates’ Licences or anything like that, and I think if we came into a litigation matter, we would instruct local advocates and if together we decided we need an expert, then it would be up to the local advocates to advise us on that Temporary Advocate’s Licence. But I do think it is a balance. There needs to be, I think the local Bar would certainly want something to say, well, you cannot just bring anyone over any time. It cannot just be an open door, for all sorts of reasons. So it is finding where the line is. Maybe the pendulum has swung too far one way where previously it was too far the other way.

775

780

Ms Fleming: Because we also would not want those skills to retreat by people being lazy about it saying, ‘Oh, we will just ship in junior counsel for the day or the two days and they will deal with it all.’ There is very much a balance to it: bringing on people’s skills, but also recognising when the complexity is such that it does assist. And assists the court as well, because if you are the Deemster sat there on a complex matter, I would certainly want to be being addressed by senior counsel rather than, as you said, the cottage hospital approach.

785

Mr Hughes: Yes. And to be fair to Deemster Doyle, I think the pendulum had swung too far with people being lazy and just bringing in counsel. I think he was addressing a genuine issue and then the pendulum goes the other way. So it is just, as you said, finding the balance.

790

Lord Garnier: Getting it right.

Mr Hughes: And to his point about how do you bring on the local Bar, it is our point about effectively the local advocates witnessing and sitting alongside QCs, etc. That is helpful to them. That is good development for them, I think.

795

Q30. Lord Garnier: There are a handful of full-time Isle of Man judges. Some of them are born and bred here and then you get someone like Jeremy Storey: he is permanent here, until he retires next week or whatever it is, but he is essentially a local judge who has been brought in. But you also have the Panel Deemsters, and they will come in, apparently, to do cases which may take up too much time for the First Deemster or his colleagues, who cannot devote four weeks to deal with a commercial trial or whatever it is. So they bring in a Panel Deemster who might have the time to do it.

800

805

You are not Manx lawyers yourselves, so you can understand, I guess, the value of bringing in other people from outside, but have you heard or is it apparent that the Panel Deemster system leads to concerns from local lawyers – ‘Why doesn’t the Government make more local lawyers?’ – or is it thought to be a system that just works, so we use them?

810

Ms Fleming: It has always been there, in my career, and it used to always be mostly barristers from London who came and sat, occasionally people from the Northern Circuit. I have dealt with cases which have been heard by Panel Deemsters from off Island and Panel Deemsters from on Island. Again there was a move – was it about 10 years ago? – to try, again, the expertise here, with the more experienced practitioners, to bring them in. Obviously they have probably a

815

superior knowledge of Manx law and practice perhaps, depending on who it is, but I have not experienced any difficulties with the system, having seen it applied.

820 **Mr Bird:** I cannot really comment. As far as I am concerned, it works, but if you look at it from another perspective, you say, well, it is a business, you need to recruit the right people. Look at our business and yours, I am sure, you are looking for people and if you cannot get them, the expertise or experience locally, you have to look further afield. So why is it any different to an insurance company or a trust company recruiting a senior manager, for example ... find the right person.

825 I know it is slightly different, because of course there are the nuances of Manx law that they need to be familiar with or become familiar with to balance that, but I am not aware of any real problems with the system.

830 **Mr Hughes:** Yes, same here. I do not really have a view on it, because I don't have too much experience of those particular judges coming over.

835 **Q31. Lord Garnier:** And again, you may not have too much experience of this either, but I am just thinking, if I am a Panel Deemster sitting, I have flown in from London for a fortnight, or whatever it is, I would want to be assured that the advocates in front of me are addressing me on a correct assessment of what Manx law is, and I question, in a neutral way, is the corpus of Manx law, be it in trust and pension law, or criminal law, accessible to the court? Is it accessible to advocates? Is it accessible to you, if you are having to advise on matters of that nature? Or is it quite a struggle to find what you need to know, as compared to, in London, you press a button and up comes the *White Book*; you press a button, up comes Chitty on the law of contract, or whatever it may be?

840 **Mr Bird:** That is a problem.

845 **Mr Hughes:** I think it is a struggle, yes.

Mr Bird: That is a problem. There are very few textbooks and so it is a difficulty.

850 **Q32. Lord Garnier:** And that presumably is a function of economics: if you have only got 40 people who need to have the textbook, why would I, as Butterfield's, go to the extent of commissioning the book?

855 **Mr Bird:** There are the Manx Law Reports, but I think there have been some changes recently to how they are published as well, which has made it slightly more difficult to search. I stand to be corrected on that, but I just remember a discussion in a council meeting recently where they had got to a position where it was quite user-friendly and then the publication system changed from Government's side – I do not know, because of a different provider or it became too expensive or something. But that seemed like a backward step, if that still holds true.

860 **Mr Hughes:** Yes, it is difficult and it is for the commercial reasons. Because often, if you are trying to look for commentary on something, you are looking at ... well, certainly in pensions law, I am looking at English commentary and then putting it through a process of figuring out what the Isle of Man position is, given the Isle of Man is sometimes just temporarily behind where the UK ... it is the UK position 10 years or 20 years ago, with variations which I have managed to find through years of being around and talking to people and figuring out what is what. But it is not in any
865 textbook, so it is difficult and it is pretty opaque.

Ms Fleming: At the level of textbooks, picking company law, pre-1985 textbooks, (**Mr Hughes:** Exactly, yes.) they are great.

870 **Mr Hughes:** Yes, you do not throw away any old textbooks.

Ms Fleming: Do not throw out Palmer's Corporate Law and all those, Gore Brown. Anything that was written pre-1985 is of great help because of course the case law etc., the new case law, does not necessarily apply. So yes. But I think it is something we all find difficult.

875 I think what happens – a bit anecdotally – with the trainees, because I work in a firm where there are three trainees, what actually happens for the Bar exams is that there are notes that get passed between everybody and from down the years they have evolved from people who have been thought to have superior notes for sitting their exams. So the trainees get together, and there is this set of notes that goes round, and that is the 'Who has got the best set of notes on Isle
880 of Man law to get through your Bar exams?' So at any one time the most extensive collection of Isle of Man law is probably in the hands of the trainees about to sit their Bar exams because they all have these fantastic notes on all the seats so they are probably the most up to date at the moment they sit their exams, of any collection of thoughts on Isle of Man law at any time.

885 **Mr Hughes:** That is true. I think that is very true. And also I do think, because some of the firms are quite protectionist about their notes, so they will hold onto them within the firm, and it takes the trainees to be able to want to share them with their contemporaries and peers.

Ms Fleming: There is a black market for Manx law commentary going on!

890

Mr Hughes: Yes!

Q33. Lord Garnier: We had, as I said, two of them are probably in their 20s, and quite by chance this little area of conversation opened up, and I confess that I was quite surprised at the informal
895 nature, the haphazard nature with which they learnt (**Mr Hughes:** Yes.) Manx law. Clearly they were trainees sitting with experienced Manx lawyers, so it was rubbing off, but there was no syllabus, apparently, for the Bar exams. So they were not able to direct their thoughts about how to prepare for the exam in a year's time or whenever it was they were going to take it, save by chasing these notes and also downloading former exam questions. But you could not –

900

Mr Bird: I think that is a relatively new phenomenon too, getting hold of old papers. (**Mr Hughes:** Yes.) I do not know, I have not done the papers. But I think this ties in also with our earlier discussion about putting people off coming to the jurisdiction.

905 **Mr Hughes:** Yes, I agree.

Mr Bird: I think there is a syllabus, but it is really just a skeleton, so it is not particularly helpful, I understand. But if there were a clear syllabus and there were a set of textbooks or some sort of notes that you could rely on to say, 'Well, that's what I need to know', that might make things
910 easier. I know from my point of view I am saying, the point I made earlier, you have spent many years qualifying and now you come and you want to sit another set of exams, but you do not even know how to prepare for them.

Lord Garnier: Yes.

915

Mr Hughes: Yes. I think that is –

920 **Mr Bird:** And you have got a busy practice and you are busy anyway, and it is notoriously difficult. I do not know what the failure rate is, but they are notoriously difficult exams. I think that is a function of the fact that there is not the reference materials. Hopefully that is going to improve with the new education and exams that have been proposed and hopefully will go ahead.

925 **Q34. Lord Garnier:** I know the Isle of Man makes use of the law college in Jersey, which has got a more developed legal education –

Mr Bird: That is new, they have just entered into that (**Lord Garnier:** Arrangement.) agreement with Jersey for the new set of qualifications, which has not come in just yet, but it is ready to go, as I understand it. Hopefully that will improve the sort of things we are talking about now, so there will then be a more formal set of notes or (**Ms Fleming:** Yes.) reference materials.

930 **Q35. Lord Garnier:** We were discussing it after the end of the last session: in England, there are these private law education providers, the University of Law, whatever it is called, and literally thousands of graduates, either the law graduates or other graduates from universities will go to these colleges, pay a lot of money, and they will then apply for a training contract from a solicitors' firm or apply for a pupillage at the Bar, and that is where the funnel is. That is where the hurdle is: just the availability of training places. Whereas it seems to be here, okay, the numbers are smaller, but there are only a dozen-or-so people taking the Bar exam each year, let's say 10 out of 12 pass, but the gateway seems to be taking the Bar exams, not finding the trainee place. So the filter is at the other end of the pipe.

940 You presumably are not in a position to train Manx lawyers because you are not Manx lawyers –

Mr Bird: No, that is correct.

945 **Lord Garnier:** – unless you have a Manx lawyer in your firm.

Mr Bird: Yes, we cannot do that.

950 **Ms Fleming:** No, they cannot be articled to us, but certainly when you are in a bigger firm as I am, with several trainees, we will help them on matters and get them to help on matters etc. because we are essentially practising Isle of Man law, but we cannot be their principals.

Lord Garnier: Yes.

955 **Mr Bird:** But they are trainees to a Manx advocates' firm. (**Ms Fleming:** Yes, exactly –) Yes. If it is a registered legal practitioner firm, then it is a complete no.

960 **Ms Fleming:** Yes, you cannot do it. But in a Manx advocates' firm, I can help the trainees and I have given lunchtime talks on Isle of Man trust law and wills and things like that to help them in their understanding, but I cannot be someone's principal, no.

Lord Garnier: Ben, if you want more water, there is some on the table, there.

965 **Mr Hughes:** Oh yes, ah, great. Do you want some more? (*Interjection*)

Q36. Lord Garnier: I am acutely conscious that I have kept you in a hot room for far too long, but are there any other points that you think I ought to have asked you about which you would like to tell me? Other idiosyncrasies or great things which are happening here which I would benefit from knowing about? If it does not come to your mind right away, please email. I think

970 Ben is going to send me an email of (*Mr Hughes*: Yes.) some thoughts he has had in advance, and they may have developed during the course of this discussion. But if either of you two as well want to do that, I would be very happy to receive them. So do not feel that you must give me the answer right now –

975 *Mr Bird*: Yes. I did, when there initially was a legal services review, out of which this inquiry was then set up, I looked at some of the questions there. I do not know how much of that has filtered through to you or become part of your remit. There are various things; I think we have spoken about most of them. One is who needs to register as a foreign lawyer. As I said, I think we agreed we think everyone should, anyone who is in private practice.

980 I think that all registered legal practitioners should become associate members of the Law Society and registration could continue as it is, as a registered legal practitioner. So every year you have to produce a certificate of good standing and a practising certificate and your PI and so on, so there is an ongoing, ‘Yes, you’re still qualified and you’re insured.’ Again, it is not a change to the existing system – it works. There is a question of who should maintain on that register, 985 whether the Registry is the right place for it, because I think they just see it as an administrative exercise, whereas it is a bit more than that. Maybe the Law Society should take that on. It is a question of resources, I suppose.

Applicability of the ADT I think is fine. When you look at the fine print, the actual regulations still refer to previous legislation which is now out of date, but the principle is the same, that it 990 goes to the ADT.

I suppose the other angle we have not spoken about is there is the whole supervisory powers in respect of anti-money laundering and that sort of thing. So at the moment, registered legal practitioners have a choice – well, they no longer have a choice – we had a choice either to be inspected by the Law Society or by the Financial Services Authority. Advocate firms can choose 995 either. I think most go for the Law Society, whereas –

Q37. Lord Garnier: What would inform your choice?

1000 *Mr Bird*: So this is just for oversight of anti-money laundering. They will come and say, ‘What are your anti-money laundering procedures? Do you have the client due diligence on file?’ and they will come and inspect to check that you are complying with the anti-money laundering code.

So the Law Society has a function, a delegated authority from the Financial Services Authority to do that for advocates’ firms but not for registered legal practitioners. Registered legal practitioners, it is the Financial Services Authority that does that. I do not think there is a problem 1005 with that, although it is because the Law Society’s powers are delegated from the FSA anyway. So the fact that it is, I suppose, technically two different bodies looking at the same thing, but for lawyers, I do not think it is a problem. I think that can carry on. I do not know if anybody else has expressed any views on that.

Then another thought I had: the advocates’ practice rules, we have recently reviewed. They 1010 are sitting with the Deemster at the moment for final approval and in there is a clarification of professional conduct and that sort of thing. It might be handy to say RLPs should plug into that as well. I do not think there is anything controversial there. You would probably find that they overlap with our home jurisdictions anyway.

Then there is also questions of interventions in practices. Under the Advocates Act, if an 1015 advocates’ practice goes under or has a problem, the Law Society can intervene, but there is nothing similar for a firm of registered legal practitioners. I do not think it is a big problem because there are not many of those firms. I think there is probably our firm and maybe one other, but these are the gaps that some people get a bit concerned about.

Then the question of reserved work and what is reserved and what is not. Personally I think it 1020 works fine. It has worked like that for decades, if not centuries. Do we need to start fiddling around trying to define what is legal advice, Manx legal advice and so on; and who can give it? I think

there is no need for that. It works fine. The reserved areas are very clear. It is very similar in other parts of the world and you stray into the problem of saying, well, accountants give tax advice, so that is legal advice and that sort of thing. So I would say: leave well alone, it works and it does the job.

1025

Then the point we made earlier about restricted practising certificates and so on. I think it is confusing, and we do not really need to go down that track.

So that is a summary of stuff that I (*Interjection by Lord Garnier*) looked at before and I think all of it is achievable, just with small tweaks to what we have already got. I do not think we need to completely scrap everything, start again.

1030

Lord Garnier: No. I think perhaps when Tynwald came up with its sub-committee report and the headline seemed to be 'Isle of Man legal services in need of radical reform', that frightened the horses rather. It may have got the Law Society and practitioners into thinking about whether there were things that ought to be done which perhaps had not been done: 'How do we modernise? How do we fill in the gaps where things have ...' not deliberately, but they just have not been updated. I suspect that the things that will come out of my review will be a lot less radical than people may have originally thought.

1035

But there may be some questions asked: have you thought about doing it this way; why have you not thought about doing it that way? Not necessarily saying you *must* do it this way, because that is not necessarily helpful. But these discussions, and this one has been particularly useful, but the other ones I have had both today on this visit, and on my earlier visit, and I hope that I may have other discussions, for example, with the college of law in Jersey and speak to other Overseas Territories or equivalents to the Isle of Man, will just generate thinking which will nudge people in the right direction, as I put it. Essentially, it is up to (*Mr Bird: Yes.*) you guys to run your own show. But I hope you have not found it too tedious an afternoon and too distracting from your professional lives. But it has been certainly very helpful to me.

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Samantha, before we finish, is there anything I have missed or –?

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Ms O'Brien O'Reilly: I think that was everything on the list, yes.

Lord Garnier: Yes, good.

Mr Bird: Well, thank you, for –

1055

Lord Garnier: No, thank you very much indeed. It has been a pleasure to meet you and –

Mr Bird: If you need clarification or want anything more, please get in touch.

1060

Lord Garnier: Well, as I said, do not hesitate to just stick something on an email, either to Dan Davies at the Home Affairs Department, or directly to us in chambers.

Mr Bird: Good.

1065

Mr Hughes: Thank you.

Annex 2

Public submissions to Lord Garnier's review

professional privilege. If you are not the addressee, you must not copy, distribute or otherwise use it or any information contained in this email. Please delete it, and destroy all copies.

From: [REDACTED]
Reply to: [REDACTED]
Date: Sunday, 6 February 2022 at 08:47
To: Lord Garnier QC <EGarnier@4pumpcourt.com>
Subject: Re: Isle of Man Injustice

External Email

Dear Lord Garnier,

In case you want to speak to either [REDACTED] or his [REDACTED], please find below their contact information as I am sure they would welcome some dialogue with you:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respectfully,

Adrian

Dear Lord Garnier,

I am aware that you are undertaking a review of the Isle of Man legal system and wanted to bring to your attention a court case involving a close friend of mine [REDACTED] where he has been subjected a terrible ordeal or public ridicule and injustice!

To quickly summarise the plight of [REDACTED], I would point out that he has been publicly shamed in the newspapers before his trial which in anyone's eyes would prejudice his right to a fair trial, please see; <http://www.iomtoday.co.im/article.cfm?id=51427&headline=Millions%20of%20client%20funds%20diverted§ionIs=NEWS&searchyear=2019>

The case number is ORD 19/0050 which was brought about based on allegations made by the Isle of Man FSA regarding "concerns" about loans from [REDACTED] clients to a company owned by another trust in which [REDACTED] is not beneficiary. Basically, a total overreaction by the court who appointed a manager and receiver for his business. In over two years of investigations and court hearings there have been no findings of any guilt and no charges have been levied against [REDACTED] but his business has been left in tatters and his reputation is destroyed. The scandal is that this case was driven by malice and not facts, otherwise he would have been found guilty of something by now, and the total costs to date exceed £4,000,000 which just highlights the injustice being levied against [REDACTED]!

For the record, the IOM court of appeal said no error of law has occurred and Mr. [REDACTED] is being hung out to dry and the only option left was for Mr. [REDACTED] was to submit an application to the Privy Council for special leave. He is currently awaiting a reply!

This is a very sad affair as it yet again proves that the legal system in the Isle of Man is being run like a private club where your right for a just and fair trial is highly questionable.

Thank you for your kind attention and I hope that you are able to help!

Respectfully,

Adrian Coombes

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Friday, February 4th, 2022 at 11:58, [REDACTED] wrote:

Dear Lord Garnier,

I am aware that you are undertaking a review of the Isle of Man legal system and wanted to bring to your attention a court case involving a close friend of mine [REDACTED] [REDACTED] where he has been subjected a terrible ordeal or public ridicule and injustice!

To quickly summarise the plight of [REDACTED], I would point out that he has been publicly shamed in the newspapers before his trial which in anyone's eyes would prejudice his right to a fair trial, please see;

<http://www.iomtoday.co.im/article.cfm?id=51427&headline=Millions%20of%20client%20funds%20diverted§ionIs=NEWS&searchyear=2019>

The case number is ORD 19/0050 which was brought about based on allegations made by the Isle of Man FSA regarding "concerns" about loans from [REDACTED] clients to a company owned by another trust in which [REDACTED] is not beneficiary. Basically, a total overreaction by the court who appointed a manager and receiver for his business. In over two years of investigations and court hearings there have been no findings of any guilt and no charges have been levied against [REDACTED] but his business has been left in tatters and his reputation is destroyed. The scandal is that this case was driven by malice and not facts, otherwise he would have been found guilty of something by now, and the total costs to date exceed £4,000,000 which just highlights the injustice being levied against [REDACTED]!

For the record, the IOM court of appeal said no error of law has occurred and [REDACTED] is being hung out to dry and the only option left was for [REDACTED] was to submit an application to the Privy Council for special leave. He is currently awaiting a reply!

This is a very sad affair as it yet again proves that the legal system in the Isle of Man is being run like a private club where your right for a just and fair trial is highly questionable.

Thank you for your kind attention and I hope that you are able to help!

Respectfully,

Adrian Coombes

Sent with [ProtonMail](#) Secure Email.

[REDACTED]

From: [REDACTED]
Sent: 12 April 2022 13:15
To: [REDACTED]
Subject: Fw: RE: Outstanding Invoice
Attachments: 2022-04-12 Letter to Mark Cleator.pdf
Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Mr [REDACTED]

Thank you for finally taking the time to prepare a response which is appreciated.

This reads as expected - without demonstrating any understanding of what has been done to me as a person and to my fragile family.

It might not be for the Land Registry, but I am not interested which department is ultimately responsible - you are my current point of contact and you simply need to direct my outstanding invoice to whichever department has enabled this mess.

I am not fussy who pays, as long as it is not me, the last person who could be considered responsible for this fiasco.

I didn't have the time or money for such lunacy, yet I have lost years of my life over what was a simple matter of over-zealous litigation over deeds from the new owners of [REDACTED], which we now know were manipulated by [REDACTED].

It's obvious to anybody with more than half a brain what was going on.

I may reply further in due course, but for clarity, it was not confirmed at the meeting at your offices that my invoice was not to be settled.

Despite being promised such, I did not receive a written response from either [REDACTED] following the meeting on 23rd April 2021, but in response to a message from myself demonstrating yet more costs ordered against me, I received a single email on 29th April 2021 from [REDACTED] advising "Hello Mark – thank for your email. It is for you to determine your next actions.

Kind regards,

[REDACTED]"

Therefore as advised my actions are to continue to remind the department of the costs that they have incurred in my name. Your response is twenty months late.

To reiterate, there has been no detailed response, which I was promised would take a few weeks following the long meeting. I am expected to simply surrender with an arrested family home, arrested and now inaccessible field, ridiculous, disproportionate debts created through moronic processes designed to cripple ordinary people and an emptied bank account with my business mind destroyed.

Your department, and the courts system (for this is one and the same when it comes to property disputes) continues to allow [redacted] to use his sidekick [redacted] to submit their cleverly scripted spurious claims against other people, and this must be stopped.

[redacted]

[redacted] (discussed in Tynwald in 2000 - 'This Dreadful Landlord' in 1988 (for essentially the same property that has now been stolen from me - so much for Res Judicata)

[redacted]

These are just a few names off the top of my head that have suffered or are currently suffering under [redacted] sociopathic hand, not always Adverse Possession, but nearly always prohibitively expensive to defend.

The list will be endless of course, yet I am the one who has to point out the elephant in the room? People do not need to be in court against [redacted], and the courts should not waste time allowing [redacted] the luxury of exercising the activity that he so enjoys; litigation combining filibustering, alternative arguments, multiple day hearings, appeals and confusion of the courts. He clearly lives for it.

Be assured that this will continue to be highlighted as we (the ordinary people, not multi millionaires) simply do not have the resources to fight this type of aggression.

[redacted] himself arrogantly quoted in an a recent hearing that he could always win using possession. This is simply the consequence of having such an ambiguous rule, and the lack of any legislation in the Island, and the public cost of not protecting from a serial litigant, must be highlighted. His is probably the only legal firm prepared to act for [redacted], and this speaks volumes. The excellent retired advocate [redacted] would expand on this further, I am sure.

My invoice highlights such untenable costs perfectly (as in 'see how you like it'), and I expect it to be settled, from whichever department's budget. My own budget does not stretch to allowing the [redacted] to cause me to lose everything I have worked for, for myself and my family over my lifetime. Either this, or order the [redacted] to follow the 2012 Debt Recovery Act, sell

my arrested house that I have equipped for a lifetime of disabled living and ensure Social Services are primed to rehouse my complex family.

Perhaps the erstwhile [REDACTED] could sell the field he has enthusiastically arrested for [REDACTED] [REDACTED] ... but wait, [REDACTED] claims he owns that too, and I can no longer access it anyway! So has the Coroner arrested [REDACTED] field in my name? Your systems are being made a mockery of at the expense of my family.

It should be clear by the type of person that I am (I provided complex technical services for the Tynwald Day ceremony until all of this kicked off unexpectedly) that I am not the one to blame. Of course it is [REDACTED] that is the instigator and agitator, but the public pay the [REDACTED] to protect them. Where is my protection?

I have suffered for years when simply expecting proper protection to have been in place, and the lessons that I have learned about how the Manx land system and the legal system that supports it is designed and capable of being twisted will not be forgotten.

Legalised theft will not be tolerated forever and eventually you will have to deal with it.

My access to my land needs to be returned to me at no cost to me and your department's mistakes corrected.

I will not be liable for mistakes that you have now admitted were made by a Deemster, when that same set of mistakes had already deprived me of my possessions.

The garage that the [REDACTED] have now built on my right of way should be removed. The entrance to my lane should be unblocked.

The planning permission granted in 2013 to my friends [REDACTED] should be completed correctly by [REDACTED] stooges, as per plan - giving me a new access to my land at which point the current entrance may then be closed.

If the last three items above don't happen then the planning department also has failed to ensure their requirements are met. I have been totally trampled over.

Be vigilant, and I look forward to my invoice being settled by return.

Regards,

Mark Cleator

----- Forwarded Message -----

From: [REDACTED]
To: "Mark J Cleator" [REDACTED]
Sent: 12/04/2022 09:16:41
Subject: RE: Outstanding Invoice

Dear Mr Cleator,

Please find attached the Land Registry response.

Regards

[Redacted]

<http://twitter.com/IOMLandRegistry>

Land Registry • Registries Building • Deemsters Walk • Bucks Road • Douglas • Isle of Man • IM1 3AR

T: +44 (0) 1624 685249 • E: land@registry.gov.im • W: www.gov.im/landregistry



From: [Redacted]

Sent: 03 April 2022 17:39

To: Mark J Cleator <[Redacted]>

Subject: Re: Outstanding Invoice

Dear Mr Cleator,

I apologise for the lack of response. I should have acknowledged your email and asked for a period to investigate before a full response.

The Registry is considering your correspondence and will reply very shortly.

Regards

[Redacted]

Get [Outlook for Android](#)

From: Mark J Cleator <[Redacted]>

Sent: Friday, April 1, 2022 10:02:43 PM

To: [Redacted]

Subject: Re: Outstanding Invoice

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Mr [Redacted]

Thank you for not replying to my previous email. It simply confirms that I have been relegated to the status of crank, and that you intend to ignore my messages, which I understand is against the rules of the Civil Service.

It might be becoming boring, but I am still alive, not only physically, but alive to the utter mess that has been created by our Land Registry.

The Government has so far made a lacklustre attempt at publicising the current review into Manx legal services by Lord Garnier. Certainly there was no difficulty sending letters to every household to ensure the census form was completed, or to ensure that everyone received their jab. But this most important and necessary of reviews has fallen under the radar through a total lack of publicity and no doubt will result in a complaint of 'lack of public engagement'.

I am doing what I can to bring it to the attention of the public, but I do not have the resources of IOMG. The Public is very interested in this, but the six week period, of which only two remains, is simply not long enough for such an important review. Letters should be sent to every household.

We have a land system designed to completely exhaust the finances of anybody unlucky enough to have to engage with it.

The possessory title process is, unlike the UK, open to, and being abused at the expense of the public by [REDACTED], and you know it.

I have demonstrated this accurately and conclusively, and it cannot be within my remit to fund this amount of effort. I have lost access to the field I still own and maintained until your department allowed it to be land locked. [REDACTED] stooges have now started blocking in the access permanently, as if it was never there, and there seems to be nothing I can do to stop it. The way this has been enabled through the creation of the Land Registry is nothing short of criminal, and I will not rest until this injustice is recognised.

The manipulation of the court system and the ability of [REDACTED] to override any actual rules is simply bizarre, and again this will continue to be highlighted by myself forever, if required.

I will continue to send the statements, which will accrue every month, until this undisputed debt is settled to enable me to regain some financial control over my life and that of my family.

The arrest on my house and field is now over two years old with no action from the Coroner. This is a cruel and unusual punishment, made more irksome when it has been acknowledged in Tynwald that this situation was not of my doing, and that the systems have been either abused, or are incorrect.

I am not going away. I have a seriously disabled daughter and I therefore can not turn to drink, self harm, become depressed or otherwise start to feel sorry for myself.

Of course it hasn't gone unnoticed that the ex [REDACTED], whilst knowing exactly what was being done to me through the court system has managed to con the Government out of over £50000 to bolster his not inconsiderable fortune over Covid whilst I was being abused by your broken system.

The department you have joined owes me compensation and you all know it.

Do the right thing and settle this matter as soon as possible.

Regards,

Mark Cleator

----- Original Message -----

From: "Mark Cleator" [REDACTED] >

To: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Sent: 18/02/2022 19:02:38
Subject: Outstanding Invoice

Dear Mr [REDACTED]

Welcome to your new post.

No doubt you have realised that you have walked into a total disaster of a department, and I wish you much luck in dealing with the many outstanding issues that I know you will be experiencing.

Amongst others there is the outstanding matter of my family life and my mental health being ruined through the total inability of your department to protect the public from [REDACTED]

[REDACTED], and in my case, [REDACTED] acting as his stooges with their son, [REDACTED], who is [REDACTED] and a co director of some of his companies).

This man was exposed many years ago, has been to prison on the Isle of Man at least twice and was discussed in Tynwald as far back as the year 2000 when ruining another family's life [REDACTED], as I have demonstrated in previous correspondence. Compensation was on the table then and lessons should have been learned.

Given the lack of legislation to protect the public from his 'lawful' actions I see no solution ahead other than to demand compensation for what I have been dragged through, using the dreadful and demonstrably hamstrung Manx Legal System. I have done my absolute best to help ensure legislation is created, but it is still not there, [REDACTED] is still operating in the courts, and my life is in tatters.

The Land Registry has been created in such a way that it has given [REDACTED] further resolve to push his agenda, and those of us with title deeds are now more than aware that without huge funds to protect our legal property those assets can be placed into question using the simplest of methods, requiring expensive legal representation which ultimately succumb to the filibustering techniques of your colleague, [REDACTED] glove puppet who twists our pitiful legislation in any way he finds fit.

Attached is my original outstanding invoice dated 13/10/20, a second invoice to cover an additional year of inaction, and a statement of account detailing interest charges at the same rate The Treasury would charge if the tables were turned.

I believe I have made it easy for the Land Registry to understand the minimum costs involved to my family and myself.

Bank details are included and I look forward to payment by return.

Regards,

Mark Cleator

Isle of Man. Giving you freedom to flourish

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No employee or agent is authorised to conclude any binding agreement on behalf of any of the Departments or Statutory Boards of the Isle of Man Government with any party by e-mail without express written confirmation by a Manager of the relevant Department or Statutory Board.

RAAUE: S'preevaadjagh yn çhaghteraght post-I shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-I shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-I er son Rheyenn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruiit leayr veih Reireyder y Rheyenn ny Boayrd Slattyssagh t'eh bentyn rish.

[REDACTED]

From: Mark J Cleator [REDACTED] >
Sent: 27 May 2022 15:55
To: DHA, Legal Review
Cc: [REDACTED]
Subject: Submission to Lord Garnier QC
Categories: Orange Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Team

Thanks for your message.

Here is a link to a compressed folder containing my submission in relation to the Legal Inquiry plus attachments.

<https://www.dropbox.com/s/bcoxjjhd3nduupd/Submission%20from%20Mark%20Cleator.zip?dl=1>

Please confirm that this has been received and forwarded to Lord Garnier.

If there are any difficulties please let me know as soon as possible and I will resolve.

Thanks for your help.

Mark Cleator

----- Original Message -----

From: "DHA, Legal Review" <LegalReview@gov.im>
To: "Mark J Cleator" <[REDACTED]>; "DHA, Legal Review" <LegalReview@gov.im>
Sent: 24/05/2022 17:39:21
Subject: RE: Test

Dear Mr Cleator

I can confirm this is the correct email address for any documents you wish to be reviewed by Lord Garnier for the legal services review. The Department is acting simply as a mailbox and will forward any information directly to Lord Garnier for review.

Best wishes,
DHA Team

From: Mark J Cleator [REDACTED] >
Sent: 23 May 2022 16:25
To: DHA, Legal Review <LegalReview@gov.im>
Subject: Test

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear sirs

I will submit a document for Lord Garnier by the end of this week.

Please confirm that this is the correct email to use.

If there is a direct to Lord Garnier email address I feel it would be preferable to use that, if available.

Thanks

Mark Cleator

Isle of Man. Giving you freedom to flourish

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RAAUE: S'preevaadjagh yn chaghteraght post-l shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

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[REDACTED]

From: Mark J Cleator <[REDACTED]>
Sent: 01 April 2022 22:03
To: [REDACTED]
Subject: Re: Outstanding Invoice
Attachments: 2022-04 statement.pdf
Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Mr [REDACTED]

Thank you for not replying to my previous email. It simply confirms that I have been relegated to the status of crank, and that you intend to ignore my messages, which I understand is against the rules of the Civil Service.

It might be becoming boring, but I am still alive, not only physically, but alive to the utter mess that has been created by our Land Registry.

The Government has so far made a lacklustre attempt at publicising the current review into Manx legal services by Lord Garnier. Certainly there was no difficulty sending letters to every household to ensure the census form was completed, or to ensure that everyone received their jab. But this most important and necessary of reviews has fallen under the radar through a total lack of publicity and no doubt will result in a complaint of 'lack of public engagement'.

I am doing what I can to bring it to the attention of the public, but I do not have the resources of IOMG. The Public is very interested in this, but the six week period, of which only two remains, is simply not long enough for such an important review. Letters should be sent to every household.

We have a land system designed to completely exhaust the finances of anybody unlucky enough to have to engage with it.

The possessory title process is, unlike the UK, open to, and being abused at the expense of the public by [REDACTED], and you know it.

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The department you have joined owes me compensation and you all know it.

Do the right thing and settle this matter as soon as possible.

Regards,

Mark Cleator

----- Original Message -----

From: "Mark Cleator" [REDACTED]

To: [REDACTED]

Sent: 18/02/2022 19:02:38

Subject: Outstanding Invoice

Dear Mr [REDACTED]

Welcome to your new post.

No doubt you have realised that you have walked into a total disaster of a department, and I wish you much luck in dealing with the many outstanding issues that I know you will be experiencing.

Amongst others there is the outstanding matter of my family life and my mental health being ruined through the total inability of your department to protect the public from [REDACTED]

[REDACTED], and in my case, [REDACTED] acting as his stooges with their son, [REDACTED] and a co director of some of his companies).

This man was exposed many years ago, has been to prison on the Isle of Man at least twice and was discussed in Tynwald as far back as the year 2000 when ruining another family's life [REDACTED], as I have demonstrated in previous correspondence. Compensation was on the table then and lessons should have been learned.

Given the lack of legislation to protect the public from his 'lawful' actions I see no solution ahead other than to demand compensation for what I have been dragged through, using the dreadful and demonstrably hamstrung Manx Legal System. I have done my absolute best to help ensure legislation is created, but it is still not there, [REDACTED] is still operating in the courts, and my life is in tatters.

The Land Registry has been created in such a way that it has given [REDACTED] further resolve to push his agenda, and those of us with title deeds are now more than aware that without huge funds to protect our legal property those assets can be placed into question using the simplest of methods, requiring expensive legal representation which ultimately succumb to the filibustering techniques of your colleague, [REDACTED] glove puppet who twists our pitiful legislation in any way he finds fit.

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I believe I have made it easy for the Land Registry to understand the minimum costs involved to my family and myself.

Bank details are included and I look forward to payment by return.

Regards,

Mark Cleator

Land Registry

Mr Mark Cleator

Reception: (01624) 685249

www.gov.im/dfc

By E-mail only

Email: land@registry.gov.im

Contact: [REDACTED]

Our Ref:

Your Ref:

Date: 12 April 2022

Dear Mr Cleator,

I am writing to you following your e-mail of 18th February. Apologies for the delay in responding due to some annual leave and also considerable background reading needed into your previous matters.

I note that you are referring to the invoice submitted on 13th October 2020. I understand this has already been discussed particularly in a meeting with [REDACTED] on 23 April 2021 and it was confirmed that the Department for Enterprise would not be paying the said invoice.

I understand that in that meeting you agreed that your main grievances were that:-

- You were unhappy with the court process in general– the duration, the lack of robust case management and the decision.
- You were of the opinion that court judgments and procedures should be monitored and reviewed including the standards of the judiciary.
- You believe there should be legislation to stop serial vexatious litigants.

Overall you were not aggrieved by matters that were in the control of the Registry, these are complaints relating to the Isle of Man Court system.

The matters you refer to related to a contested first registration application where you objected to the registration of property. This matter was referred to the Land Commissioner and a hearing was held. You were represented in this hearing by an advocate and it appears that you are claiming in your e-mail of 18th February that the Registry should be responsible for your legal fees and also additional compensation including compensating you for time spent on this matter.



The Land Registry is governed by the Land Registration Act 1982 and the Land Registry Rules 2000.

Section 7 of the Land Registration Act 1982 states:-

“Any decision of the Land Commissioner under this Act shall be final and conclusive on all the parties except that an appeal shall lie, in accordance with the rules of court, to the Staff of Government Division:-

- (a) where the decision involves and question of law
- (b) in any other case, with the leave of the Land Commissioner or the Staff of Government division.

Generally the legal fees you incurred are the subject of your retainer with your advocate. Rule 135 of the Land Registration Rules deals with costs of hearings and the Land Commissioner has discretion to decide “by and to whom costs are to be paid”

Costs relating to the original hearing were dealt with after that hearing and a link to the decision is here:-

<https://www.judgments.im/content/J2507.htm>

The issue of costs in relation to any form of litigation is always one that should be at the forefront of discussions between you and your advocate. It is not something the Land Registry can deal with.

The appeal matter essentially related to a dispute as to the power that the Land Commissioner in the original hearing had in relation to the grant of a right of way over the land subject to the contested registration application. It was decided that the Land Commissioner not have the power to order the grant of such a right of way. It was noted that a right of way could be considered but that this would need you to make an application to the Land Registry to have one registered.

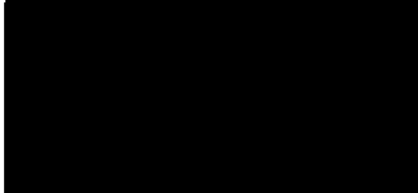
The link to the judgement is here:-

<https://www.judgments.im/content/J2621.htm>

In relation to the decisions of both cases and the subsequent costs decisions there were appeals processes that could have been exercised at the time. These are not matters for the Land Registry.

In relation to your "compensation claim" the Land Registry only has powers to pay compensation under the Land Registration Act pursuant to Schedule 10 and this requires there to be a loss caused by an error made by the Registry.

Yours sincerely



[REDACTED]

From: Mark Cleator [REDACTED] >
Sent: 07 March 2022 19:32
To: DHA, Legal Review
Cc: [REDACTED]
Subject: Re: FW: Independent review of Island legal services begins
Categories: Orange Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Mr Garnier

<https://consult.gov.im/legal-review/>

It is very much appreciated that you have made yourself available to investigate the issues that the Isle of Man Government has, and is facing with regards the Manx legal system and the services that have grown out of it.

I and many others have found ourselves unwitting pawns in a process which has become insular, where the advocates all know each other as potential friends, where those advocates eventually become Deemsters, and where there is a two tier system with regards to discipline; The Police and the underfunded Fraud Squad for ordinary people, and the Advocates Disciplinary Tribunal for those lucky enough to have passed the Manx Bar. Those few individuals who do find themselves disciplined often go on to become Deemsters.

The Manx Law Society ensures that everyone gets a stab at being the Chairman, suitably elevating even the most slippery of characters to a position of respect.

This must be totally different to the concept of 'The Circuit' in the UK, and it is this familiarity which feeds the attitude which the Manx public observe.

The practice of misleading the Courts, with absolutely no accountability even when such deception has been highlighted by a Deemster, or simply the act of introducing alternative arguments which draw out proceedings to unaffordable lengths has become a regularly used tool by some.

There are most definitely some fine advocates on the Isle of Man, individuals with incredibly keen minds combined with strong ethics, and some of these are friends of mine. That their industry is being dragged through the mud by other less ethical but very clever 'colleagues' will be for them very frustrating. It is partly for them that this review needs to be thoroughly completed and I am sure that once you begin asking questions you will very clearly identify where the rot has set in.

The Attorney Generals Chambers are the ultimate arbiter of what will be considered criminally, and this is like hitting a brick wall for ordinary people, where public complaints and evidence goes to

die, whether it be whistle-blowers, exposers of fraudulent activity by hard to handle individuals or questionable questions of law enabled by previous Attorney Generals who do not need to explain themselves.

The UK has The Lords, and the scrutiny that I have observed is considerable. The Isle of Man simply does not have the expertise to be passing laws which go untested until members of the public pay to have such poorly drafted alternatives to English law argued out in court at something around £1000 / hour (for that is the ultimate cost to a losing party having been ordered to pay 80% costs, etc).

The Island has some very wealthy and ruthless individuals who have built their property empires upon the suffering of others. This is as plain as day to anybody who chooses to look below the surface, yet our law does not protect our citizens from such actions. Certain advocates make themselves available for this work having honed skills whereby they can cleverly twist poorly drafted legislation, leaving a very bad taste in the mouth for those who are paying honest professionals to unravel the filibustering.

I have learned a lot in the last seven years about a subject I had no interest in.

Manx Law is a mess, an embarrassment. It is different to the laws which our advocates are trained with. This causes problems, and in my particular experience, adverse possession is being turned into an art form, where the outcomes of such are ruinous for the victims identified as financially weak. Laws which are simply passed off as 'a very complex area' are clearly too complex if they can be as ambiguous as they seem to be. As such I have had family land legally stolen using these ridiculous 'laws', costing me so much money that my family home, and other property, has been arrested as part of a master plan that our Deemsters fail to appreciate.

- A judgment (that goes unquestioned due to costs) becomes case law.
- That same judgment can be appealed LATE by the victorious party, he may demonstrate issues with the judgment which the original losing party, having not appealed (due to life changing costs already in place) cannot possibly join with, and the original losing party has to additionally pay for the Deemsters apparent errors, that he never appealed against.
- That same original judgment then is used as if uncontested as case law in further land actions by the advocate that made it happen in the first place.

This makes no sense to me. Our entire system is totally broken.

Our Land Registry is being used as an excuse to steal property, the civil servants and professionals employed to oversee this disastrous department are unable to cope with the legal onslaught from well funded aggressors and ordinary citizens are being turned into debtors through the lawmakers apparent complacency. Through this relatively new Land Registry, peoples' traditional deeds have effectively been rendered worthless as 'possession' is so open to abuse that it can be used to override solid abstracts of title.

Equity of arms is simply not a reality, our Legal Aid system is a sick joke, and our politicians very quickly find that they have no control over the way the legal system operates, which means that the public are paying for something that our elected representatives have lost control of.

Over the next few weeks I hope that the Manx public and our politicians will furnish you with enough material for you to form an accurate picture of what is happening over here in various areas of law and how it is managed. I will endeavour to forward some of my previously written documents, borne out of the frustrations of finding myself being dragged through a heaving and groaning system that is not serving the public, but making the legal services industry and their clients very wealthy.

Again, I thank you for having the impressive ability to take on this review, and I note that Jane Poole-Wilson has undertaken to ensure that your findings are not swept under the carpet like the similar reviews that have come before it.

Regards,

Mark Cleator

----- Original Message -----

From: [REDACTED]

To: "[REDACTED]"

Cc: [REDACTED]

Sent: 05/03/2022 19:39:43

Subject: FW: Independent review of Island legal services begins

Dear Mark

You will recall that when the Justice Committee brought forward its report on adverse possession, the aspects you had raised in your petition relating to conduct of advocates were signposted to be addressed by the independent review into legal services. This review is now underway so I wanted to let you know that and also provide information about it should you wish to make a submission to it.

With kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Isle of Man Government <mailer@iomgov.vuelio.co.uk>
Sent: 03 March 2022 08:00
To:
Subject: Independent review of Island legal services begins

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NEWS RELEASE

from professionals who provide legal services to members of the public who are consumers of legal services, are able to submit their comments. Lord Garnier will not be able to hear everyone share their views in person, so it's important that he has these online submissions for consideration.'

She added; 'This independent review is an incredibly important piece of work to deliver reform that supports growth of high quality and suitable legal services on our Island for individual consumers and the wider economy, and I commit to driving forward any changes or recommendations to improve the accessibility, quality and delivery of these services.'

The webpage will be open for submissions for around six weeks, until mid-April. People can also email legalreview@gov.im or send submissions by post c/o Legal Services Review, Department of Home Affairs, Tromode Road, Douglas, Isle of Man, IM2 5PA.

Ends

Word count: 523



Notes to editors: URL to submit comments <https://consult.gov.im/legal-review/>

Image - Lord Edward Garnier QC

leir þau eða einhverjir aðrir starfsmenn þess eða annars lögregluáðvaldaráðgjafar sem er á þessum vettvangi.

Þetta er eitt af mörgum dæmum um hvernig þetta gæti sést. Þetta er eitt af mörgum dæmum um hvernig þetta gæti sést.

Government with any body of e-mail without express written confirmation by a Manager of the relevant Department or District Board.

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If you would no longer like to receive mail from us you can [unsubscribe](#).

Large empty rectangular box, likely a placeholder for content or a form area.

E-mail: 


15th November 2013

The Registrar
Privy Council
Parliament Square
London
SW1P 3BD

Dear Sirs

**Privy Council Appeal No. 49/2006 = Transcript of Hearing of Application for
Special Leave – 3rd July 2006**

I enclose an Order of the Appeal Court in the Isle of Man, as a result of an appeal being lodged in which I act in person. Inter alia my claim is that the said constitution of the court is incompatible with the provisions of Article 6 ECHR, by reason of the lack of independence because there is only one independent appeal judge who sits with a judge from the court below.

I included this ground as a result of the question and observations made by  at the commencement of my application for special leave on the 3rd of July 2006, to the effect when she asked my Counsel if the Isle of Man appeal court still had a system where a judge from the court below sat on any appeal, and on being informed that this was still the case, expressed the view that she was surprised that this constitution had not been appealed before.

This observation was helpful to my case.

On expressing this in court last Tuesday, the 12th of November I was ordered to produce a transcript of that hearing of the application for special leave. Could I please ask you to either

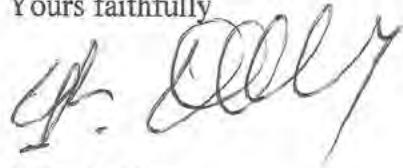
e-mail me or telephone me to confirm that a recording of the hearing does exist and what I must do to obtain a transcript as a matter of urgency, given the date provided in the attached Order.

The second matter concerns correspondence that I understand was sent by the Isle of Man Appeal Court disputing the above observations. My former Advocates informed me that an exchange of correspondence (which I believe may have been with [REDACTED] direct) was distributed to all Advocates in the Isle of Man in 2006. Whilst I would ask if copies of such correspondence could be provided to me, for present and immediate purposes it would be sufficient for my purposes for confirmation to be provided confirming that the Appeal Court (Deemster [REDACTED] and Judge of Appeal [REDACTED] Q.C.) did raise this issue in correspondence and the date on which this occurred.

If the transcript is not available is there any other way in which I can obtain written confirmation of the views expressed by [REDACTED] at the commencement of the hearing of the application for Special Leave.

I look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C.R. Oakley', written in a cursive style.

C.R. Oakley



JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL
PARLIAMENT SQUARE
LONDON SW1P 3BD

Tel: 0207 960 1512
Fax: 0207 960 1501

jcpcregistry@jcpc.gsi.gov.uk

21 November 2013

Your Reference:
Our Reference:
Please quote Privy Council Reference

Mr C. B. Oakley
Email: [REDACTED]

Dear Mr Oakley

Thank you for your letter of 15 November which I received on 19 November.

I am sorry to have to inform you that it will not be possible to obtain a transcript of the hearing which took place on 3 July 2006. The tapes of hearings were not routinely transcribed and this office no longer holds the tapes or the tape recording machine.

[REDACTED] has, however, seen your letter and has authorised me to inform you that it is not improbable that she made the observation to which you refer.

As for the correspondence which was sent by the Isle of Man Appeal Court, I am afraid that we do not have copies of any of the letters which were sent.

Yours sincerely

[REDACTED]

W.

Judiciary

as at 28 February 2019

BAILIFF



LIEUTENANT BAILIFFS

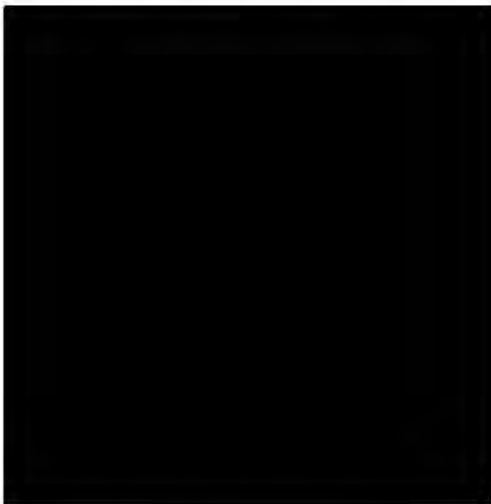


COURT OF APPEAL

Bailiff (ex officio)

Deputy Bailiff (ex officio)

JUDGES OF APPEAL



COMMISSIONERS





MASTER OF THE ROYAL COURT



REGISTRARS OF THE FAMILY DIVISION



JUDICIAL GREFFIER



VISCOUNT



DEPUTY VISCOUNT



In this section

Royal Court Rules

Matrimonial Causes Rules 2005

Children Rules 2005

Court of Appeal

Petty Debts Court Procedure

[Royal Court Home Page](#) › [Courts](#) › [The Court System](#)
› [The Guernsey Court of Appeal](#)

The Guernsey Court of Appeal

The Guernsey Court of Appeal was constituted by the Court of Appeal (Guernsey) Law 1961. The law was brought into force on 4 June 1964.

The Bailiff of Guernsey is ex-officio The President of The Guernsey Court of Appeal.

The other judges of the Guernsey Court of Appeal are appointed by warrant of the Sovereign. There is also a Jersey Court of Appeal.

There are five scheduled sessions each year of the Guernsey Court of Appeal, although the Court will sit additionally when the need arises.

The Guernsey Court of Appeal is not senior in hierarchy to the Royal Court and does not have statutory power to receive appeals on all matters dealt with by the Royal Court or the Magistrates Court, although there are few civil or criminal areas of law from which there is not a right of appeal.

The Guernsey Court of Appeal sits in both Civil and Criminal divisions. Appeals from the Guernsey Court of Appeal, are with leave, heard by [The Judicial Committee of the Privy Council](#).

Below you will find a current list of the Judges of the Guernsey Court of Appeal as well as links to their professional profiles;

Downloads



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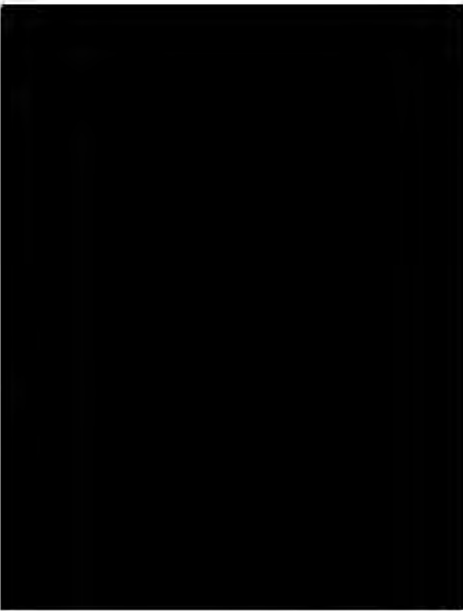
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Court of Appeal
(Guernsey) Law 1961
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Abandonment Form The
Court of Appeal
(Guernsey) Law 1961

[REDACTED]

From: Christopher Oakley [REDACTED]
Sent: 02 April 2022 16:10
To: DHA, Legal Review
Subject: Fwd: document jersey
Attachments: 040322.rk.docs.clm..pdf

Categories: Orange Category

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Your Lordship

I am a retired English Solicitor who practised on my own account both in the UK and in the Isle of Man as a Registered Legal Practitioner. I qualified in April 1974 and worked in a Number of Firms both in London and in other Common Law Jurisdictions. In March 1997 I moved to the Isle of Man and practised on my own account as above until 2001.

I have read the Reports of Tynwald, relating to your appointment to an independent Inquiry into the Legal Services on the Island. My reading of those reports is that there is considerable concentration of the Committee and Tynwald on the law relating to Advocates on the Island. Whilst I understand and accept the need for considerable change and reform, I am also concerned at the lack of consideration of the need to reform the position of the Courts on the Island as well to both ensure a fair system of Justice and compliance with the provisions of Article 6 ECHR. For the reasons which follow, there needs to be considerable reform of the High Court Act of 1991.

My evidence to your inquiry is that the provisions of Section 3 of the High Court Act in relation to the appointment of additional Deemsters needs to be reviewed by reason of the use of this section in the past to appoint additional Deemsters to the APPEAL Court exercised by Deemster [REDACTED] from Jersey and Guernsey AFTER [REDACTED] had expressly observed that the constitution of the Staff of Government Division Appeal Court with High Court Deemsters from the Court below, was a breach of Article 6 ECHR. The Department of Justice in fact put out a press release in respect of the appointment of Judges from Jersey and Guernsey as High Court Deemsters but expressly to sit as Appeal Judges.

The attached correspondence confirms the express observations of [REDACTED] by the letter from the Registrar of the Judicial Committee of the Privy Council, sent on her behalf, of the 21st of November 2013, in reply to my own letter of request that sets out the events that occurred before the same court and [REDACTED] on the 3rd of July 2006, dated the 15th of November 2013. Put simply, at the commencement of my application for leave to appeal, [REDACTED] asked if the Isle of Man Appeal Court still operated with judges from the court below. On being informed that the Appeal Court did indeed continue to sit and function in this manner, [REDACTED] responded that this was not independent of the Court below and was thus a breach of Article 6 ECHR. She went further and said that she was surprised that no one had raised this issue on appeal before by then, which I took to be a subtle hint that I should do so!!.

There followed correspondence between Deemster [REDACTED] and [REDACTED] in which he challenges her view of the requirements of Article 6 and as can be seen from the last paragraph, of the Registrar's Letter of the 21st of November 2013, this exchange of correspondence is confirmed but was not available. Subsequent checks established that it was still held by the Department of Justice AND that it had been distributed to all

Judges, Crown Officers and Advocates on the Island by Deemster [REDACTED] or at his request. As far as I am able to establish none of these issues were reported by the Crown Officers to the Government or to the Governor, under their duties as Legal Advisers to the same. No Advocate on the island was prepared to raise the issue on my behalf simply because of the opprobrium they would receive from Deemster [REDACTED] if they did so. It is for this reason that I had to wait until a further case against me was commenced in 2013, to raise the issue, acting in person. The letters of the 15th and 21st of November 2013 were the result. The correspondence was before the Appeal court but was ignored.

Whilst I appreciate that the issue arose out of my personal case, the defect in the constitution of the Isle of Man Appeal Court was raised by [REDACTED] whose observations were ignored, and which continue to be ignored to this day. In this context a simple comparison of the constitution of the Appeal Courts of the Channel Islands(the details of which are attached) confirms [REDACTED] Observations if any such confirmation is truly needed in all the circumstances.

The Constitution of the Appeal Court with wholly independent Judges appointed by Her Majesty is long overdue and requires a substantial amendment to the High Court Act of 1991.

I would add one further matter, in the course of raising this issue previously, in typical Manx style, a number of personal attacks and accusations have been raised against me, none of which have any substance based on documentary evidence that I was, and still am, able to produce.

Kind regards

Christopher R. Oakley

Solicitor (Retired)

[REDACTED]

From: [REDACTED]
Sent: 05 April 2022 23:04
To: DHA, Legal Review
Subject: Legal review matters re my case.
Categories: Orange Category

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear Edward Garnier Q.C,

I am a 69 year old age pensioner who has been denied Incapacity Benefit since I sold my outright owned property and only home in 2013. Whilst I comprehend you cannot consider individual cases I have included below the history and details of the case in order that you are able to see how and why I ask you to consider the following in the process of your Legal Review.

a.) Department of Health and Social Security (hereinafter referred to as the DHSS) claimants are offered junior trainee advocates to represent the claimant at an appeal, as in most cases the claimant is unable to afford to pay an advocate. During my first 2 appeals the junior advocates were wholly inadequate for a fair representation and I lost both appeals. So the question here is should the DHSS be offering experienced and fully qualified advocates to claimants in appeal cases? Should the DHSS also be guaranteeing a fully qualified advocate to represent the claimant as in the duty advocate system in criminal cases?

b.) At my 3rd appeal I had a barrister representing me. The barrister drew up a Witness Statement for the appeal Tribunal to consider as the case was under a “papers only” hearing due to the lockdown. In the Record of Proceedings it states the only two parties present were the Treasury (acting on behalf of the DHSS) and the Tribunal. I was not invited and the barrister did not appear at the hearing. Moreover, in the Statement of Material Facts and Reasons under “documents considered” the Witness Statement was absent from the list. So this begs the question **What happened to the Witness Statement?** Why was a hearing allowed to take place in the presence of the Respondent and in the absence of the Appellant and the Appellant’s barrister? Furthermore the Treasury asked the Tribunal to prevent me from making any more appeals and the Tribunal agreed. Whilst the lockdown circumstances were unusual. Should measures be taken to ensure the likes of this cannot occur in future? I would have been happy to have the case delayed for a fair hearing, as only a few weeks later the lockdown was lifted.

c.) After a meeting with the Government Ombudsman he told me DHSS Appeals were subject to the High Court. So my 4th appeal was held in the High Court and I had a [REDACTED], approved by the Deputy High Bailiff to assist me but she took ill with covid just two days prior and so I represented myself, as I could not find an advocate to represent me. I lost the case as the Deputy High Bailiff took sides with the Treasury request to the Tribunal at the 3rd seriously lopsided appeal and the case was dismissed, devoid of adequate explanation of the case in its entirety, largely due to my inexperience in court. So here again should there be a “duty advocate” to represent matters in a civil case, as in criminal cases?

d.) I have recently been in email correspondence with my MHK who is also the Speaker of The House of Keys in pursuit of an explanation as to how and why the Treasury are now in control of the DHSS. The reason for this enquiry is because the Treasury have regarded my claim for Incapacity Benefit as being Income Support only, because it is my contention the Treasury have failed to examine the history of the claim as they are inexperienced in dealing with DHSS claims. So I asked my MHK about the lawfulness of this takeover of the DHSS by the Treasury. He responded by saying “Under the Government Departments Act 1987 all powers and functions of Government have to sit in a Department or Statutory Board. These powers can be moved between Departments using a Transfer of Functions Order. So then it appears the takeover is lawful, but my question is what are the implications of the Order?, given the example above within this paragraph d.). to my case? It appears the Treasury have failed to make a correct assessment of the claim in more ways than one. So as this Transfer of functions Order is not working for my case, this then implies what other claimants are being affected? As this is a matter higher up on the “lawful ladder” I maintain I need a Q.C. to oversee the entire case and to represent me in the High Court with regard to the application and implications of the Order and to take the case further on Human Rights. But I can’t get a Q.C. without an advocate. So how do I get an advocate, when every advocate I have approached say they are too busy? Again, should there be a “duty advocate.?”

I feel that a man of your lawful calibre could easily “take the bull by the horns” and lead the matter straight into the High Court and whilst I appreciate your remit within the Review, I would be most grateful and I respectfully ask you for some advice upon compassionate grounds.

The background to this case, as per letters sent to advocates, to find an advocate to represent me which have been taken from a list of advocates kindly sent to me from the Law Society.

Dear (Advocate)

In 2013 I sold my outright owned house and home and bought silver bullion as a long term safe haven asset, with a view to purchasing another property when its value increases sufficiently to be able to afford to buy another home.

For the first 3 years after the house sale I was denied Incapacity Benefit renamed Income Support altogether, and then in January 2016 I was suddenly granted Income Support, with no sound reason given and no change in my circumstances, but with a small tariff against the claim under section 61 of DHSS Regulations, due to the amount of silver.

I need an advocate to bring the Treasury (the DHSS) to the High Court. I am an old age pensioner now living entirely upon a minimum state pension, which renders the amount I have to live on, after my rent is paid is £51 per week.

As a result I have to get my electricity paid for by the Salvation Army. They provide £200 per annum, and to date I am only able to claim a further £50 for this year. I have one small electric fire to heat one room, I cannot afford hot water, save for an independent shower.

I cannot get food from the Food Bank, because the Food Bank contacted the Treasury about my income, without my consent, (I have witnesses to this) which I believe is contrary to the Data Protection Act? The Treasury told the Food Bank I have silver bullion valued currently at approx.£50,000. The silver was purchased in 2013 for approx £80.000 and it is the proceeds from the sale of my home in Ramsey. As a result the Food Bank refuses to give me food without comprehending the true circumstances.

At present I have to get the bus every day from Port Erin to Graih the homeless shelter in Douglas just to get a meal.

It is for these reasons of such appalling low income for an old age pensioner, that even the Treasury's advocate said in court at my 4th appeal "You should perhaps bring your case to court under Human Rights" There is no doubt in my mind he could see the injustice.

Since January 2016 I was in receipt of Income Support for Pensioners (ISP) with a partial tariff under Section 61 of DHSS Regulations, but since August 2020 the ISP was terminated altogether due to a rise in the value of the silver. (please note despite this rise, the current value of my silver is still less than my initial purchase price)

To say the above is making my life difficult is an understatement.

The Treasury have applied Section 61 of the DHSS Regulations to my claim for ISP which is a capital tariff against the claim based upon their assessment that the silver is capital.

My argument is that silver bullion is an asset, not capital and the reasons for this are:-

1. To purchase silver bullion you have to pay 20% VAT, because it is a tangible asset.
2. The International Basel 3 Regulations classify silver bullion as a Tier 1 asset.
3. The Financial Supervision Commission in the Isle of Man classify silver bullion as an asset for all bullion dealers.
4. To store capital in a bank vault you do not have to pay storage fees whereas to store silver bullion in a bullion vault you have to pay storage fees, because it is an asset.
5. Silver bullion coins are classified as legal tender, but you cannot go to any shop to purchase anything with it, like you can with capital, because it is an asset.

I do not get any income from the silver. Yet the Treasury say I do get an income from it due to their view that the silver is capital and that because they say it is capital, they then say I get an income from this 'capital'.

I also have a further dispute with the Treasury upon my ISP claim with regard to Schedule 8 section 4 of the DHSS Regulations which states verbatim:-

IN THE MATTER of the Social Security Act 1998 - Income Support (General) (Isle of Man) Regulations 2000.

Schedule 8

CAPITAL TO BE DISREGARDED.

The claimant's current home, former home and future home etc.

THE CLAIMANTS HOME.

The proceeds from the sale of the claimant's former home to be used for a new home for the claimant.

Section 4.

Any sum directly attributable to the proceeds of any premises formerly occupied as his home which is to be used for the purpose of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.

The capitalisation, underling, font sizes and italics are my additions to highlight emphasis for your convenience.

There is no dispute that the silver is directly attributable to the proceeds of the sale of my home. But the Treasury and two Tribunals at the first two appeals said during 2014 that because I had not purchased another property within 26 weeks from the date of sale, then the silver was not to be treated as capital to be disregarded. At those two appeals I had inexperienced junior trainee advocates representing me and they both failed to elucidate the circumstances properly. These advocates are what is offered to a claimant at DHSS appeals, due to low income as a claimant.

Then, I managed to get a barrister to represent me and the Treasury and the Tribunal at my third appeal said in 2020 that "a period of 7 years cannot be considered as 'reasonable'" and again they said the capital albeit in the form of silver bullion cannot be treated as capital to be disregarded in the assessment of the claim, because I had still not purchased another property. But this is the Treasury imposing a time limit when the Regulation state "...or such longer period..." "...as is reasonable in the circumstances to enable the claimant to complete the purchase."

My argument here is that by imposing a time limit of 7 years is contrary to the DHSS Regulation which clearly states "...or such longer period..."

The reasonableness of my circumstances are simply that I am unable to purchase another property for the purpose of occupation due to a diminished value of the silver, since I bought it. So to enable me to purchase another property the Regulation says *in effect* that:-

Time, without limit, to enable the claimant to purchase another property must be allowed and during that unlimited time, the proceeds from the sale of a claimants home are to be treated as capital to be disregarded by the Adjudication Officer in the assessment of the claim.

Whilst no consideration by the Treasury, to date, has been given to "...as is reasonable in the circumstances to enable the claimant to complete the purchase" my MHK has recently pointed out that I may not have the ability to purchase another property because of the value of the silver is insufficient to buy another home. I have an appointment with him on 28th March 2022.

This is true at present, but as I have made an in depth study of silver bullion over the past 15 years, I stand to become a millionaire within the next two years, with the amount I have. Arguments in favour of this are lengthy and complex, and meanwhile I patiently await a sharp rise in the value of silver bullion. Historically, the silver price lingers for years around a marginally fluctuating value and then suddenly rises. The value of silver bullion is the most undervalued asset on Earth and it has been and still is to an extent, the subject of criminal downward manipulation for years. Once a conspiracy theory is now conspiracy fact since JP Morgan, colluding with 4 other major banks were fined a record just short of \$1 billion in 2019 for silver price manipulation. Authorities have now introduced legislation to halt it, via the Basel 3 International Regulations, introduced in January 2022. The effects are recently gradually beginning to show in the value, but the manipulation still continues.

The DHSS Regulation, in the meantime allows "...such longer period in the circumstances" and as such the Treasury should be treating the proceeds from the sale of my home as capital to be disregarded.

The fact that I still have the bulk of the silver to this day – 8 years later, is absolute testimony to my intension to buy another house.

People who do not understand what I have done, just say the likes of "██████████ why don't you just sell the silver" They do not understand that this is my future home, it is the classic safe haven long term asset. I have owned two homes and I fully intend to buy another one

Please observe here whilst I have made claims to the DHSS, it is the Treasury who are making the decisions. This has been due to the Manx Governments directive to put the Treasury in charge of the DHSS. So my question here is:- Is this lawful in terms of Manx Government policy and is it lawful in terms of our constitutional relationship with the UK Government as a Crown dependancy? It does not sound constitutional in my mind. So this together with all other matters is why I would like you to bring this matter to the High Court.

I ask these questions because the Treasury are ignoring the remit of the DHSS and they are abusing its Regulations. They are doing this under the Manx Government's new policy to save money since the halcyon days of the once booming finance sector are over and now it is desperately clutching at straws whilst the going is still strong, but gradually weakening, as the world's currencies diminish in value. By depriving its dependants is surely not the way to enact a sound economic policy, it would be appropriate for the Manx Government to seek other methods. Moreover to deprive its old age pensioners in the process is truly scandalous.

A shining example of this is the Treasury's inability to understand Schedule 8 and section 4 of DHSS Regulations. This Regulation specifically pertains to a claimant's home. A claimant's home is the epitome of social security, for the home provides security for the claimant within society. If the Regulation were devoid of this, then this means that when a claimant sells their home, without the capital proceeds to be assessed as capital to be disregarded, it renders the claimant to become dependant upon the proceeds. So then with no Income Support the claimant is then rendered with no income and no home. Thus the proceeds diminish to render the claimant homeless and unable to afford another home.

For the first 3 years since I sold my outright owned home in Ramsey, the Treasury stopped my Income Support altogether and I had to live on the remaining proceeds from the house sale after purchasing the silver. As time went by I was then forced to sell 20 kilos of silver to pay rent on a flat in Ramsey to which I had a 12 month lease. I had bought the silver at approx £900 per kilo but had to sell it at the staggering loss of approx. £300 per kilo. I had thought at some point soon the Treasury would give me Income Support to halt the silver sales, and indeed they did, but not until January of 2016, 18 months later. Then I had to sell my sports car which I had bought from the house sale proceeds, to buy a dilapidated old caravan just to avoid paying any more rent. Then, as a smoker I had to collect cigarette dog ends and as there was no food bank at that time, I had to get the out of date discarded food from the supermarket bins, just to be able to eat. These are the lengths I have had to endure to hold on to my silver, my future home.

I point out here when a person buys a house, you have to go to an advocate to ensure you have ownership of the house without any problems – the usual conveyancing process. So this is also why Schedule 8 section 4 is within DHSS Regulations to enable a claimant to rehouse themselves without any problems – to provide the ongoing social security of the claimant's home.

Whilst my claim has been for Income Support since 2013 it also includes the history of my some 14 years of previous Income Support claims, the true origin and title of the claims is actually Incapacity Benefit because prior to the claim being terminated after the house sale in 2013 I had to produce a doctor's exemption from work certificate every six months due to my health condition which is classified as **nervous debility**. So it was only after the Treasury began making the decisions upon claims that they chose not to grant me Income Support without being aware or pretending they were not aware that the claims were actually for **Incapacity Benefit**. The reason behind this is because I was able to do some work in the form of astrological charts and paintings which gave me a small income. So because it was an income, albeit small, the title of the claim was transmuted from Incapacity Benefit to Income Support. This means that the Treasury even denied me Incapacity Benefit just because I sold my house and replaced it with a long term safe haven asset, from which I have had no income whatsoever, in order to rehouse myself. It is my

contention here that the Treasury are unaware that although the claim is entitled Income Support it is actually Incapacity Benefit.

Very briefly now, this matter has been the subject of 4 Appeals. The first two were a seriously bad joke as the DHSS offer inexperienced junior trainee advocates whom I maintain failed to comprehend the essential points of the case, this together with my lack of knowledge at the time upon DHSS Regulations.

At the 3rd Appeal I had a barrister representing me. The lockdown dictated the Hearing as “papers only” So the barrister drew up a Witness Statement which I signed and it specifically pointed out my arguments with regard to schedule 8 section 4. However after losing this Appeal I read the Statement of Material Facts and Reasons of the Tribunal and on page two there is a list entitled “documents considered” - would you believe it my Witness Statement was ABSENT from the list? Also it states in the Record of Proceedings there were only two parties present at the Hearing namely the Treasury and The Tribunal – My barrister did not attend and I was not invited. So it is upon the grounds this was an unfair Hearing that I ask you to bring this matter to the High Court; as the Government ombudsman, informed me Treasury Appeal Tribunals are subject to the High Court.

So whilst this 3rd Appeal was unfair in representation, it also begs the question “**What happened to the Witness Statement?**” A witness statement is an important document in any court, but in a papers only hearing it is of extra importance.

Then at the 4th Appeal which was held in the High Court, I had arranged to have a Mackenzie Friend to help me but she took ill with Covid 19 just 2 days prior. So I represented myself and although I had written a lengthy preparation I decided at the last minute to reduce everything at first to reading out schedule 8, mainly because of the Witness Statement ‘*mystery*’ and also said a little about the reasonableness of my circumstances, thinking this would lead to more detail upon this and other matters later on in the Court process. But then the Treasury advocate spoke next and he basically said the Treasury had asked the Tribunal at the 3rd Appeal to prohibit me from making any more appeals and the Tribunal had agreed, the Deputy High Bailiff agreed and it was suddenly all over with the entire case being dismissed before I was given a chance to say anything else.

Due to my inexperience in Court proceedings I had not anticipated such a swift ending. I had prepared a document which outlined my grounds for Appeal, but thought to withhold it at first, but to read it out if needed because the Deputy high Bailiff had invited the case into his courtroom and I considered it unlikely he could not see good grounds for an Appeal.

This is what I had written to give me grounds for Appeal to say to the Judge if need be:-

With reference to the Respondents Skeleton Argument.

It states under 7, on page 2

“As to errors in points of law, the following are non exhaustive examples as to how a Tribunal may go wrong such as to give grounds for the Commissioner to grant permission to appeal and/or an appeal to succeed on substantive grounds”:- they are the title and enumerated bullet points listed here:-

- 1. ...”did not apply the correct law to the case” – and my response is that:-

The law that has been applied to my case is In the Matter of the Social Security Act 1998. Income Support (General) (Isle of Man) Regulations 2000 – Section 61 – Calculation of tariff income from capital under Part (1).

Part (1) states:- Where the claimant’s capital, as calculated in accordance with this Part, exceeds £13,000. It shall be treated as equivalent to a weekly income of £1 for each £250 in excess of £13,000.

The application of Section 61 Part (1) to my case is not the correct law. The reason for this is that I do not have any capital at all.

This fictitious capital is being treated being as equivalent to an income. As stated in my skeleton argument from a letter sent to me dated 29th June 2021 from an Adjudication Officer of the Treasury where it states with regard to “how much money you already have coming in”:- “£133.00 from your capital tariff, based upon £46,479.09 valuation of silver from IM Gold dated 28/05/2021.(£1 for every £250 over £13,000 is treated as weekly income” But I do not have “any money already coming in” and if I did then where does it come from? Who pays it?

The Regulation refers to the claimants capital and not to any valuation of the claimant’s assets, which in this case, is the silver bullion. What is also very strange and irrational is, why is my silver bullion the only one of my assets that the Treasury have decided to evaluate as capital? This is akin to complete nonsense. Just like everyone else, I have lots of assets but the Treasury does not include all of my assets in the assessment of my claims. So this begs the question – Why is the silver bullion being singled out?

The Treasury's only attribution to silver bullion being capital is the Decision Makers Guide. No definition in law states that silver bullion is capital, and there is nothing that states silver bullion is capital within the Decision Makers Guide under "Is the resource capital" and "What is capital" The Treasury are using the Decision Makers Guide as a front to justify their decision without anything to support it. They are simply making this decision with impunity and because they make the decisions and they have the power to make the decisions to save money for the Government by unlawfully depriving an old age pensioner of his lawful entitlement to ISP.

Moreover, the valuation of the silver bullion fluctuates by the minute, every day. But the Treasury regard the valuation to be relatively constant, save for just two evaluations since 2016. As such the Treasury valuations are not consistent with the daily true valuations and because its capital value is being regarded as capital and that this is then being treated as income, this renders the calculation of the amount of the income levied against my claims to be incorrect on a daily basis. This is even contrary to the Regulation itself. It is true that for the Treasury to make valuations of the tariff deductions consistent with silver's fluctuating value would be a monumental task. So here we have a shining example of just how preposterously ridiculous this is. I have thought that the only way the Treasury could accurately do this is to sit in front of the daily silver charts and make daily calculations or to get software to do it. Its not my task to do this, it's the Treasury's, because they have imposed the tariff upon an asset of fluctuating value. Since 2013 it has been obvious to me that the Treasury have no clue as to just exactly what silver bullion is, as I will bet a pound to penny that not one of them have ever purchased silver bullion. History demonstrates that less than 1% of the entire world's population have ever purchased it, save for what is termed as "the stampede" to buy it during times of currency collapse. Most people who buy silver are actually buying a paper certificate and that this paper silver can be traded in the derivatives markets as SLV and an income can be made. With actual silver bullion, the metal itself you cannot do this and no income is gained, unless and until the owner decides to sell it, which may or may not be at a profit, dependant upon the market value at the time, otherwise known as the spot price.

An example here is that on 28/05/2021 of the IM gold valuation, the value was in the region of \$26 dollars per troy ounce but for approximately the past 9 months the value was \$22 - \$24 (see silver chart) This difference in the actual value and the value at the time of the Treasury's last valuation would make a huge difference to me because I would not have to subsist without any ISP at all, at my only current pension income rate of £51 per week after the rent is paid.

This asset has been incorrectly designated as capital, and as such by applying Section 61 to my case is also incorrect.

Silver bullion is an asset because there is a charge of 20% V.A.T. on silver bullion based upon its value, in order to purchase it.

The correct law to apply my case is Section 4 of Schedule 8 under the same Act as above.

- 2. ...“wrongly interpreted the law”- and my response is that:-

The interpretation of the law made by the Treasury as in Section 4 Schedule 8 is wrong.

As to why the interpretation is wrong is evident from the fact that my barrister submitted my Witness Statement to the 3rd Appeal. The Witness Statement under paragraph 2 is about Schedule 8 (4) of the Act and it specifically asked the Tribunal to fully consider this Regulation and not part of it.

The Witness Statement clearly points out the specific wording requested to be considered by the Tribunal relating to Schedule 8 (4) because it is underlined in bold and typed in a bold font that is larger than the remainder of the quoted Schedule.

The specific words typed in bold of the law that were carefully avoided by the Tribunal as in Schedule 8 (4) were “...as is reasonable in the circumstances, to enable the claimant to complete the purchase”

The Tribunal, despite this request, only considered part of Schedule 8 (4) and in so doing completely ignored the final words of the Regulation as in the above paragraph. So whilst the Tribunal claimed to have “given careful consideration to the submissions” as stated in the Record of Proceedings, they did the opposite. (ends)

So whilst the Treasury advocate’s job was to defend the Treasury at the 4th Appeal, he did say during his address to the Court that I should perhaps consider taking this matter to Court under Human Rights laws. Well yes to expect anyone to live upon the pittance I get from the Treasury is an outright insult to any human being in this society and from this to even come from an advocate in opposition, says it all.

My first thought reaction to this was one of emotional exhaustion over the whole case which has dragged on for 8 years and I have had enough with sloppy applications of laws and getting the justice system to fully consider them.

Some weeks elapsed and I did think it was very kind and considerate of the Respondent to say this and he must have felt compassionate towards my plight for him to have said so. I therefore ask you would you please bring this matter to the High Court as a Human Rights issue also, albeit I am at present unfamiliar with the details of those laws. Can you advise? Please forgive me for some repetitions here and there as I am just putting things into context as I write this letter.

Please note that whilst the Treasury have prevented me from appealing, my ISP comes under annual review and at each review a decision is made and that decision is subject to Appeal. So at present I do not have an Appeal date, but the review occurs around March/April which will soon enable, at least, a Tribunal Hearing.

But due to all other matters I would like you to bring the whole lot straight into the High Court without waiting for another appeal date.

Please also note if you are too busy at present; but if you can represent me at a future date, I am prepared to wait.

I am begging you to do this for me on compassionate grounds and I fully appreciate any disincentive, as this is a legal aid case. Nevertheless I vow to pay you the difference between your normal fees and that of legal aid. I would be happy to sign an agreement to pay you the difference if you will take this case on. I cannot pay you now but I can when it's time to sell the silver.

Please note that the bulk of what has been said in this email has never reached a Tribunal nor the Court in terms of adequate elucidation, and this is behind my request for an advocate to present it all to a Court of Law so that at least it can be considered. That is all I am asking for is consideration.

I have a flight case full of papers to prove and support everything I have said and much is recorded in all 4 appeals but those records are seriously bereft of all of the real truth outlined in the matters above.

In summary then I ask you to bring this matter to the High Court upon three matters, all at one Hearing to deal with the matter in its entirety. I hope you can see I have done lots of preparatory homework for an advocate as per the main body of the case as in 1. below.

Upon 2. and 3. below, I seek your advice.

If for any reason you are unable to deal with 2. and 3. below then representation just on 1. will suffice adequately for now.

1. The case as it stands as outlined in this letter and then copied into this email as I cannot afford to send it in the post.

2. The case in terms of Human Rights Legislation.

3. The lawfulness of the Treasury merging with and being placed in control of the DHSS to enable the Treasury to make decisions upon members of the public who are making claims to the DHSS, within the context of the Manx Government's Constitution; and the lawfulness of the same within the Constitutional relationship between the UK Government and the Manx Government.

Addendum.

The Deputy High Bailiff sent me an ex-tempore judgement on the 4th Appeal, (the Court Hearing), but he also said a reserved judgement would be in much greater detail. During my letters and emails to His Worship via his secretary, I sent some of the details that are listed above under the Response to the Respondents' Skeleton Argument and further details of the case so as he could review the matter in the light of my inexperience in Court proceedings, but that His Worship could make a reserved judgement in the light of further information from the letters I sent, mainly to show how I have a Right to Appeal. After doing all this, His Worship rejected everything I had sent and simply sided with the Treasury's request to stop me appealing beyond my 3rd lopsided Tribunal Appeal, hand in glove with the Tribunal and in the absence of both the Appellant and the Appellant's Barrister; and at that Appeal, I also repeat my Witness Statement disappeared with the fairies, without even as much as a consideration.

Finally, is it not a disgrace to the Manx justice system that anyone should have to endure 8 years of dire poverty and the intrinsic stress upon someone who suffers from anxiety and depression – the two symptoms of my nervous debility health condition?; just to get a fair hearing and a fair

consideration of DHSS regulations? Perhaps the current system of offering inexperienced junior trainee at Tribunals upon what is an extremely important issue in someone's life – one's basic survival in society – should come under review?

Yours sincerely,

██████████.

Company Number

[Redacted]

Form RS

THE COMPANIES ACTS 1931 - 2004

**APPLICATION TO THE FINANCIAL SUPERVISION COMMISSION
FOR A DECLARATION OF DISSOLUTION**

Pursuant to section 273A(1) of the Companies Act 1931

Please complete legibly in black type or bold, block lettering

Name of company: [Redacted] Limited*

I Mr. [Redacted] (full name of applicant)

of [Redacted] (address of applicant)

being a Director/~~Secretary/Member*~~ of the above company hereby apply for
a Declaration of Dissolution


in respect of the above company.

Receipt No: 112402
Date: 19/11/2009
Time: 15:49:04
Amount Paid: 54.00

I hereby confirm that Notice of this Application has been sent by pre-paid post to each Director, Secretary and Member of the company in accordance with section 273A(5).

I confirm that the particulars given on Page 2 of this Form are complete to the best of my knowledge and belief.

Signed: [Redacted] Date: 5th November 2009

Presented by: [Redacted] Douglas Isle of Man
Official use only:

01911200900282

*delete as appropriate

NOTES

Details of changes, if any, to members must be listed on Page 2.
The filing fee prescribed under the Companies (Fees) Order currently in force must accompany this Application.

Company Number

Form RS

THE COMPANIES ACTS 1931 - 2004

Schedule of changes to the details of members which have occurred since the last annual return (or, in the case of a company for which an annual return has not fallen due, the particulars filed on first incorporation). (See Note below)

If none, say "None".

Please complete legibly in black type or bold, block lettering

None

NOTE

Any change in particulars requiring to be filed with the Financial Supervision Commission, must be delivered to the Commission on the appropriate prescribed form or, if no form is prescribed, by other means before this Application will be accepted for registration.

Company Number

[Redacted]

Form RS

THE COMPANIES ACTS 1931 - 2004

**STATUTORY DECLARATION TO ACCOMPANY AN APPLICATION
FOR A DECLARATION OF DISSOLUTION**

Pursuant to Section 273A(2) of the Companies Act 1931

Please complete legibly in black type or bold, block lettering

[Redacted] Limited*

I Mr. [Redacted] (full name of declarant)

of [Redacted] (address of declarant)

being a Director/~~Secretary/Member~~ of the above company do solemnly and sincerely declare as follows:-

1. The company has ceased to operate; and
2. The company has complied with its obligations under sections 107 to 110 of the Companies Act 1931; and
3. To the best of my knowledge and belief, and having made full enquiry into the affairs of the company, I am satisfied that -
 - (a) the company has discharged all its debts and liabilities (other than those owed to its shareholders in respect of their shares, if any); and
 - (b) the particulars contained within the last annual return of the company (or, in the case of a company for which an annual return has not fallen due, the particulars filed on first incorporation) remain accurate at the date of making this statutory declaration or that they are accurate as amended by the applicant at the date of making this statutory declaration.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Evidence Act 1871.

Declared at: Douglas, Isle of Man
[Redacted]

Signature of Declarant:
[Redacted]

Before me:

Date:

[Redacted] 5111109

[Redacted]

Advocate

Notary Public

Commissioner for Oaths

Commissioner of Oaths/Notary Public/Justice of the Peace*

*delete as appropriate

NOTE

The Statutory Declaration must be made by an Officer or Member of the company. The Statutory Declaration need not be made by the same person who completes the Application.

NO. OF COMPANY: [REDACTED]

Form 39B

THE COMPANIES ACT 1931

Members Voluntary Winding-up Declaration of Solvency
Pursuant to Section 218 (as amended)

Name of company
Presented by

[REDACTED]

[REDACTED]

Being all the directors of [REDACTED] do solemnly and sincerely declare that we have made a full enquiry into the affairs of this company and that having so done, we have formed the opinion that this company will be able to pay its debts in full within a period not exceeding twelve months from the commencement of the winding up, and we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Evidence Act 1871.

DECLARED by the said [REDACTED]
at Douglas [REDACTED]

This 3rd Day of April 2020
before me

[Signature]

Notary Public/Commissioner for Oaths



DECLARED by the said [REDACTED]
at Douglas [REDACTED]

This 3rd Day of April 2020
before me

[REDACTED]

[REDACTED]

Notary Public/Commissioner for Oaths

Official use only



[REDACTED]

Your ref:

Our ref: SMA7/2/MF/ER

28 January 2020

FAO: Jordan Durante

By Email only [REDACTED]

Dear Jordan

I write further to our telephone discussions on 23 January 2020 and 24 January 2020. We also spoke briefly on 27 January 2020.

We act for [REDACTED], the personal representative ("Personal Representative") in the estates of [REDACTED] ("the Estates").

I was not aware of the health problems of either you or your parents until our conversation yesterday, and was sorry to hear of those problems. You have outlined items which you wish to request in respect of the Estates. I respond to your requests as follows:-

1. Value and Location of Assets

I have enclosed a schedule¹ detailing the combined assets of the Estates as at 25 November 2019. The assets are located in the Isle of Man and Jersey and are invested with recognised banks in those jurisdictions. The schedule includes assets which are located in Jersey within a Jersey trust which leading counsel has advised must be regarded as a sham. This trust is not under the control of the Personal Representative. There is also an additional Isle of Man trust which is regarded as not holding assets (the assets being included the Estates) and the accounts reflect this view.

2. The Personal Representative's intentions for distribution of the Estates

As explained to you by telephone, a plan has been formulated to bring the Estates and the Jersey trust to a conclusion and distribution including a Court application in the Isle of Man. The matter is being progressed with a view to the Court application being made in the first half of this year. The Estates are a complex, and there is much work to be undertaken to achieve these objectives. Agreement must also be reached with the Jersey trustee.

It is intended that the proposal for distribution and division of assets will first be circulated to potential beneficiaries in advance of the application. Those beneficiaries will also be given notice of the application and will be able to participate in the proceedings if they wish to make representations to the Court. You will be included in this process, as will your father and brother. It is understood that although your father historically indicated that he had agreed with your mother to share his inheritance equally with your mother. This appears to have changed. In due course, appropriate confirmation will be required on this.

¹ Prepared by external accountants.

4. Request for £100,000

The ill-health of you and your family is new information. The Personal Representative will consider the position in the light of this new information (see below). Although the Personal Representative had been made aware of financial difficulties of your parents in the past, the ill health was not known and we were aware that your parents have not been responding to the repeated attempts of TMF in Jersey to contact them.

If your parents wish to request funding from the Estates, they will need them (or duly authorised attorneys) to request this. Please can your parents the following:-

- Confirmation of the health issues of your parents, the dates of diagnosis and a brief summary of their current medical needs and the costs of those medical needs;
- A summary of the essential costs which you are currently meeting to house and maintain you and your parents and those anticipated costs to end of December 2020;
- A summary of your combined/anticipated incomes for the year to end of December 2020.

Please appreciate that these questions are being asked solely for the purpose of the Personal Representative being able to understand the difficulties of the position you are in. Without specific information, it is difficult to understand the immediate needs of your family.

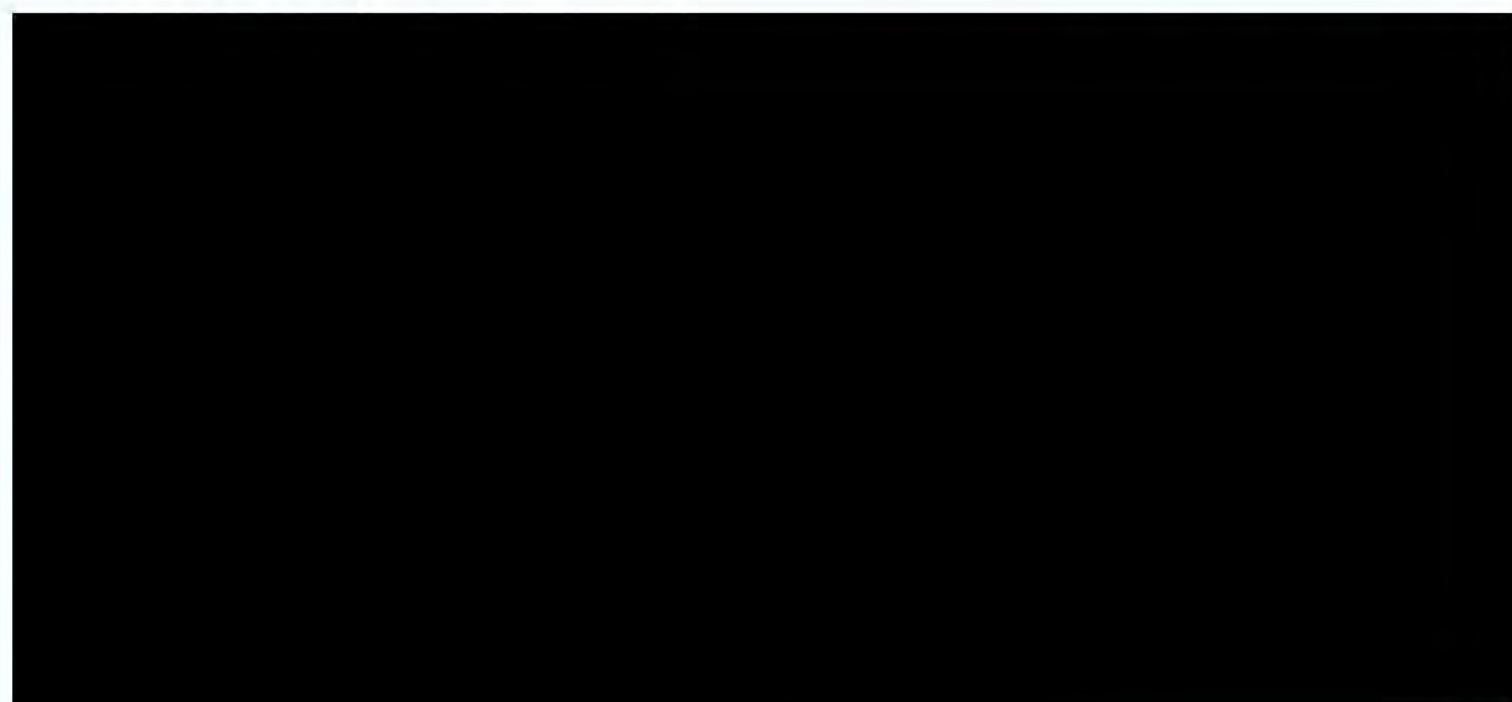
It would also be helpful to understand whether, given your father's diagnosis, he is capable of personally engaging in the process outlined in 3 above, or whether you have put formal arrangements in place for you, or anyone else, to act on his behalf in respect of his financial affairs. I understand from our conversation on 27 January that you have powers of attorney in place for your parents. Kindly provide duly notarised copies of those powers.

5. Travel costs

These are not costs which the Estates are presently able to meet.

Finally, in our conversation on 23 January 2020 you made allegations connected to an online BBC News article dated 14 December 2015 in respect of the conviction of a former employee of [REDACTED] following an investigation in 2014. I can confirm, that after a careful investigation involving all relevant authorities and professional forensic accountants, as a member of [REDACTED] I am satisfied that the Estates were not affected by that incident.

Yours sincerely



Enc.

Durrant affairs

Consolidated summary of assets
as at 25 Nov 2019

Mortgages held by Manor Estates			250,000
Garage			1
Sundry debts			5,002
Cash at bank	Manor	1,638,209	
	Lobos	1,575,199	
	MED Estate	314,653	3,528,062
Total liquid assets			3,783,065
less liabilities			
Taxation		1,000	
Sundry creditors		0	1,000
Net liquid assets			3,782,065
<u>Loan to Beneficiaries</u>			
	CJD	466,376	
	PJD	453,532	
	JMD	477,816	
		<u>1,397,724</u>	
		30,000	
		30,000	
		20,000	
		598	
		15,919	
		<u>1,562</u>	
			<u>1,495,804</u>
Total Estate			5,277,868

Notes

Mortgages

Metropolitan & Westcliff Properties	250,000
	<u>250,000</u>

Sundry Debtors

Shares	2
MWP intrest	5,000
	<u>5,002</u>

Notes

Manor Initial shares

From: [REDACTED]
Sent: 17 May 2021 17:32
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: [REDACTED] accounts requested again

Dear Jordan

Further to your email below and telephone messages left, we have made contact with [REDACTED] who as you are aware act for the executors of the estate of [REDACTED]. We have advised them of your request as we are not in a position ourselves to provide any information to you - we can only provide such information to the shareholder.

We understand that necessary steps are being taken for an application to court with the ultimate goal to enable distributions to be made to the relevant family beneficiaries.

Best regards

[REDACTED]

We grow our business by referrals. If you have any friends or associates who you think would benefit from talking to us then please feel free to give them our details to arrange a meeting.

[REDACTED]

You can read our Privacy Notice [here](#)

The information contained in this message, which is confidential and may be subject to privilege, is intended for the addressee only. The unauthorised use, disclosure, copying or alteration of this message is strictly forbidden. If you have received this message in error or there are any problems please notify the originator, destroy any copies and delete it from your computer system immediately. All reasonable precautions have been taken to ensure that no viruses are present in this message. We will not be liable for direct, special, indirect or consequential damages arising from alteration of the contents of this message by a third party or as a result of a virus being passed on.

From: Jordan Durante <[REDACTED]>
Sent: Monday, 17 May 2021 [REDACTED]

To: Mail [REDACTED]

Subject: Manor Estates accounts requested again

Dear [REDACTED]

My name is Jordan Durante I am formally requesting accounts for my families company [REDACTED]
[REDACTED], I have asked before and you referred me to [REDACTED] who represent my trustee interests not
my families. Please supply accounts today surely it is not hard .I am ready for the press now as
everyone on the island IS blocking my family access to justice.

Regards

Jordan Durante

Sent from Mail for Windows 10

From: [REDACTED]
Sent: 22 March 2022 13:54
To: Jordan Durante
Subject: RE: [REDACTED]

Dear Jordan,

We have obtained the papers directly from the court, but we have not seen copies of the witness evidence.

Kind regards

[REDACTED]
Partner

[REDACTED]

From: Jordan Durante <[REDACTED]>
Sent: 21 March 2022 12:37
To: [REDACTED]
Sub [REDACTED]

Hi [REDACTED]

My family I did not know papers were available from the court on our case yet or can anyone get those forms ?

I am going out for a break your welcome to call this afternoon I can explain further.

Thanks

Kind regards

Jordan

Sent from [REDACTED] for Windows

From:
Sent: 19 March 2022 12:21
To:
Subject: [REDACTED]

Hi [REDACTED]

I have discussed it with my family and we ask why do you need to know about the claim details ?
Do you feel you could help before Friday ?
I hope you do not think this is rude.
Kind regards
Jordan

Sent from [redacted] for Windows

From:
Sent: 18 March 2022 13:05
To:
Subject: RE: [redacted]

Thanks Jordan. Apologies if I was unclear – I was wondering if you are able to share the evidence in relation to the claim issued on 20 September 2021 (and which is listed for hearing on 25 March)?

Kind regards



From: Jordan Durante <[redacted]>
Sent: 18 March 2022 10:03
To: [redacted] <[redacted]>
Subject: [EXTERNAL] RE: [redacted]

Hi [redacted]

We are waiting for historical bank statements to show how much money we were given over all these decades. I think any documents will be in relation to delays with the Esates by Mr [redacted]. The [redacted] frauds will be used also with offshore data leaks showing his collaboration with his Jersey Crime partners building many shopping centres around the world but fails to get accounts nor a payment ever to our bloodline from his date of involvement in 1989. All persons in documents above are involved in the [redacted] fraud case including the commissioner of oaths Mr [redacted].

Hope this helps.
Please do not hesitate to contact me anytime.
Thanks again.
Kind regards
Jordan Durante

Sent from [redacted] for Windows

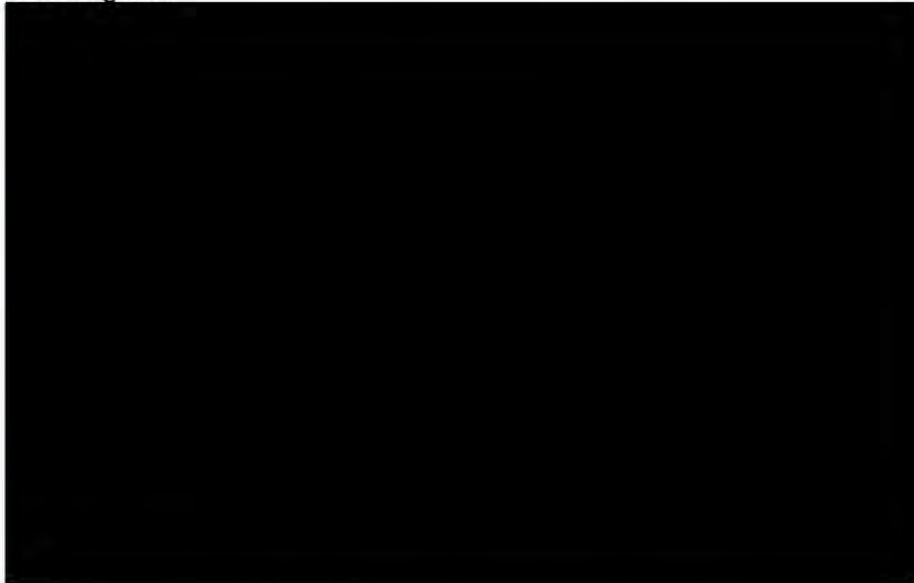
From:
Sent: 18 March 2022 10:42
To:
Subject: RE: [redacted]

Dear Jordan,

Thank you for the information that you have sent across. Are you also able to provide a copy of any evidence filed in relation to your IOM application? I have seen reference to (at least) the witness statement of Mr [redacted] and to two witness statements of [redacted]

Many thanks in advance.

Kind regards



From: Jordan Durante <[redacted]>
Sent: 16 March 2022 08:43
To: [redacted] <[redacted]>
Subject: [EXTERNAL] RE: [redacted]

Dear [redacted]

Great news thanks to your call yesterday !
I followed some links and Mr [redacted] is involved in more than Manor Estates !
Mr [redacted] is number 6 and meet the gang , please let me know if you know any names ?

Mr [REDACTED] was involved in the [REDACTED] fraud as he was a director of [REDACTED] nominees and Secretaries he was instrumental in the [REDACTED] fraud and the [REDACTED] fraud. Also involved in the [REDACTED] fraud.

We must speak again later today please ?

I purchased the documents last night and you can see [REDACTED] was a shareholder to do with the frauds of [REDACTED] was dissolved by the IOM own convicted fraudster Mr [REDACTED] and commissioner of oaths was Mr [REDACTED]

Hundreds of millions missing from my family trusts lets collaborate fully please ?
My case links to the [REDACTED] foundation trust.

I am sure if we all work togther we will succeed.

Thanks again.

Kind regards

Jordan

Sent from [REDACTED] for Windows

From:

Sent: 15 March 2022 17:06

To:

Subject: [REDACTED]

Dear Mr Durante,

Further to our call this afternoon, please find my contact details below. We are happy to receive any documents that you are able to share. It would also be helpful to be kept updated as to your application in the IOM.

Kind regards



From: Jordan Durante <[REDACTED]>
Sent: 08 April 2022 10:59
To: Courts, Civil <Civil.Courts@courts.im>
Subject: RE: Court- Telephone call test

Dear Mr [REDACTED]

I hope you and all at the court are well.
My family and I are very concerned information is be shared re the family case.
Can the court confirm no information like my fathers witness statement has been supplied to anyone?
I have been approached by someone saying they have my fathers witness statement.
Could you also kindly make sure we are being called for the next appearance on April 22nd please ?
Finally could you show my family and I how to see that our case has been listed so members of the public can see a hearing or not as I struggle to see the case on the site.
Thanks for all your assistance to date much appreciated in my families times of difficulty.
Have a nice weekend.
Kind regards
Jordan Durante

Sent from [REDACTED] for Windows

From:
Sent: 29 March 2022 17:17
To:
Cc:
Subject: RE: Court- Telephone call test

Dear Mr Durante

Thank you for your email.

I am unable to comment on your below email as to do so would constitute the provision of legal advice to you and the staff of courts administration are neither qualified nor permitted to give such advice. However, in an attempt to assist; you may find it useful to contact an Isle of Man Advocate for appropriate guidance. Advocate's contact details can be obtained from the Isle of Man Law Society at Tel: [01624 662910](tel:01624662910) or by visiting their website at

Kind regards

[REDACTED]
Courts Division, Isle of Man Courts of Justice
Deemsters Walk, Bucks Road

From: Courts, Civil
Sent: 08 April 2022 12:23
To: Jordan Durante
Subject: RE: Court- Telephone call test

Dear Mr Durante

Thank you for your email.

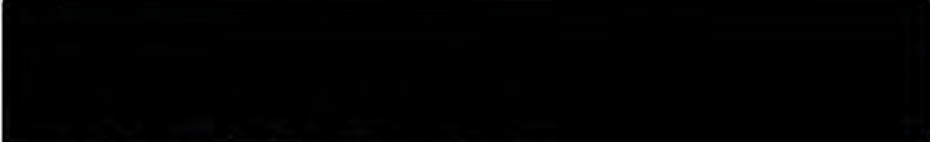
I am unable to comment on the issues below in relation to the supply of any documents, this is a matter that should be brought to the attention of the advocate who has conduct of your families case, however, in an attempt to assist, the Court would not release or share any statements with third parties without a formal application made and approved by a member of the judiciary.

I have noted that you wish to be dialled in as an observer on 22 April 2022 and will note the file accordingly so the clerk on the day will dial you in.

Court listings are available on the Court's website

For ease please follow the below link which will show the upcoming case management listings, including your interested case:

Kind regards



Courts Division, Isle of Man Courts of Justice
Deemsters Walk, Bucks Road
Douglas, Isle of Man
IM1 3AR

Email:
Web:

Please note - Staff of courts administration are neither qualified nor permitted to give legal advice.

If you are not the intended addressee of this email, you must not copy or deliver it to anyone else or use it in any unauthorised manner



[REDACTED]

[REDACTED]

[REDACTED]

By Fax: [REDACTED]

Your Reference: PGA/CLB

Our Reference: C/dt/50847/5

13 April 1993

Dear Mr [REDACTED]

re: [REDACTED]

Following our telephone conversation on the 8th April I write, as promised, to outline the current position regarding the Didcot premises formerly occupied by [REDACTED]. As you know, administrative receivers were appointed by [REDACTED] bankers last year. Following the disposal of [REDACTED] assets, [REDACTED] went into liquidation and on the 25th February 1993 the liquidator disclaimed the [REDACTED] lease. Prior to that, I had a meeting in Birmingham with [REDACTED], the finance director of [REDACTED], [REDACTED] of [REDACTED] [REDACTED] lawyer and [REDACTED] our appointed surveyor. This meeting had been prompted by the service of a statutory demand on [REDACTED]. At that meeting I was given a cheque drawn on [REDACTED] account for the arrears of rent and outstanding interest up to and including 25th March 1993. These monies have been banked and are held on an agreed basis by [REDACTED] pending the resolution of our claims against [REDACTED].

At the meeting, I was told that [REDACTED] advice was that following the deed of variation, effected at the request of [REDACTED] they were released from their obligations as surety and, because of that, their primary obligation as original tenant had been abrogated. I advised [REDACTED] that we did not agree with their interpretation of the legal position and considered that they were still liable under the terms of their original covenant. Since that time, I have taken advice from [REDACTED] who led in the case of [REDACTED] Properties Limited v [REDACTED] Limited and Others (The Estates Gazette, May 1984), a case which dealt with issues pertinent to this particular matter.

Cont.../

13 April 1993

I have been advised by Mr [REDACTED] as follows:-

1. The surety covenants by [REDACTED] and the primary covenants by [REDACTED] are limited to the period that the lease remains vested in [REDACTED]. Because of the disclaimer by [REDACTED] liquidator, the lease has ceased to be vested in [REDACTED] and, thus, Messrs [REDACTED] and [REDACTED] (in its capacity as surety only) have been discharged from future liability.
2. [REDACTED] liability as original lessee remains unimpaired by the disclaimer.
3. The variations of the [REDACTED] lease effected by the deed of variation took effect prospectively. The 1990 rent review recorded in clause 7 of the deed took place on the basis of the [REDACTED] lease as unamended. It follows that the rent at the rent of £90,000, subject as mentioned below, should be recoverable from [REDACTED].
4. The only doubt as to whether the reviewed rent is recoverable arises if [REDACTED] only agreed to the 1990 review at £90,000 per annum on condition that the deed of variation was entered into. This was not the case, the rent was agreed at £90,000 based upon comparable evidence, following which [REDACTED] sought permission to vary the lease. There was no connection between the rent being agreed at a higher level and the variation to the lease save they took place at the same time.
5. Counsel's advice is that proceedings should be issued against [REDACTED] in the County Court or, alternatively, in the High Court, followed by an application for summary judgement.
6. Following a board meeting of [REDACTED] on Thursday 8th April, it was agreed to pursue Counsel's recommendations promptly.

Since taking Counsel's opinion, the general legal position has been confirmed by [REDACTED] (sitting as a deputy judge in the Queens Bench Division) in [REDACTED] Limited v [REDACTED] [1993] EGCS41.

There is one matter, however, which has to be resolved before proceedings can be issued and this relates to the suggestion that the [REDACTED] lease ("the [REDACTED] Lease") subsists. You will appreciate that we have always taken the view that the [REDACTED] has ceased to

[REDACTED]

[REDACTED]

13 April 1993

exist. However, it is now important to put this beyond doubt because Counsel's view is that if the lease took effect and remained in being, the strict legal position would appear to be:-

1. that [REDACTED]
 - 1.1 should have been party to the original deed of variation wherein these premises became the subject of the [REDACTED] Lease;
 - 1.2 should have agreed the 1990 rent review and entered into the 1991 deed of variation;
 - 1.3 should have collected the rents from and after 25th March 1988;
 - 1.4 is the only party who can enforce payment of rent by [REDACTED] in its capacity as original lessee;
 - 1.5 is not bound by the 1991 deed of variation;
2. that [REDACTED] has no right to enforce the obligations of [REDACTED]; and
3. that as against the true reversioner [REDACTED] are not bound by the 1989 and 1991 deeds or the 1990 rent review.

This being the case, it is imperative that [REDACTED] come to terms as to the legal position. May I suggest the following:-

1. [REDACTED] formally acknowledge that the [REDACTED] Lease no longer subsists;
2. That in return for that formal acknowledgement, [REDACTED] acknowledges that it holds the freehold estate of the Didcot property and Cranes Park Avenue property on trust for itself and [REDACTED] in the proportions 80:20 respectively. So that for every £100,000 received from [REDACTED] or otherwise, [REDACTED] would receive £80,000 and [REDACTED] would receive £20,000.

As [REDACTED] mentioned, the resolution of this particular matter is now of considerable urgency and I should, therefore, be grateful if you could, please, refer my proposed terms of settlement to your clients in early course for their comments. I look forward to your response shortly.

Yours sincerely [REDACTED]

[REDACTED]

FW: [REDACTED] accounts requested again

From: [REDACTED]

To: [REDACTED]

Date: Monday, 7 June 2021, 19:12 CEST

Sent from Yahoo Mail on Android

----- Forwarded message -----

From: "Jordan Durante" [REDACTED]
To: [REDACTED]
Cc:
Sent: Mon, 7 Jun 2021 at 19:08
Subject: FW: [REDACTED] accounts requested again

Sent from Mail for Windows 10

From: Jordan Durante
Sent: 07 June 2021 15:01
To: [REDACTED]
Subject: FW: [REDACTED] accounts requested again

Sent from Mail for Windows 10

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: [REDACTED] accounts requested again

Dear Jordan

Further to your email below and telephone messages left, we have made contact with [REDACTED] who as you are aware act for the executors of the estate of Mrs [REDACTED]. We have advised them of your request as we are not in a position ourselves to provide any information to you - we can only provide such information to the shareholder.

We understand that necessary steps are being taken for an application to court with the ultimate goal to enable distributions to be made to the relevant family beneficiaries.

Best regards

[REDACTED]

[REDACTED]

[REDACTED]

old
From
Oct 2019.

merge
with

We grow our business by referrals. If you have any friends or associates who you think would benefit from talking to us then please feel free to give them our details to arrange a meeting.



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From: Jordan Durante [redacted]
Sent: Monday, 17 May [redacted]
To: Mail [redacted]
Subject: [redacted] accounts requested again

Dear [redacted]

My name is Jordan Durante I am formally requesting accounts for my families company [redacted] I have asked before and you referred me to [redacted] who represent my trustee interests not my families. Please supply accounts today surely it is not hard .I am ready for the press now as everyone on the island IS blocking my family access to justice.

Regards
Jordan Durante

Sent from [Mail](#) for Windows 10

FSA IOM

FW: Your correspondence of 26 May

From: Jordan Durante [REDACTED]

To: [REDACTED]

Date: Saturday, 5 June 2021, 17:25 CEST

Hi dad

When you can you print this off pls

Thanks

Sent from Mail for Windows 10

From: [REDACTED]
Sent: 27 May 2021 18:54
To: [REDACTED]
Sub: [REDACTED]

Dear Mr Durante

Thank you for your email and the attached documents.

We are aware that there was a criminal and independent investigation into the activities of Mr [REDACTED]

It should be noted that neither [REDACTED] trust were identified as suffering losses by an independent review undertaken. There is nothing from the information provided that identifies a further affected structure.

We are unable to give any further details in respect of this above review as we are restricted by legislation (Schedule 5 of the Financial Services Act 2008) in the information that the Authority can disclose to you.

If you have any further supporting evidence that suggests a theft/ fraud a report should be made to the police.

a serious unresolved issue such as you have indicated you might decide to take legal advice and as a last resort take the case to court. The Authority would of course be interested in any outcome of any action taken.

The Authority also has no power to arbitrate in the complaint that you have made or to compel the payment of compensation to you in relation to this.

Yours sincerely,

Isle of Man Financial Services Authority

PO Box 58 • Finch Hill House • Bucks Road • Douglas • Isle of Man • IM99 1DT • colin.manley@iomfsa.im •

www.iomfsa.im • [LinkedIn](#) • [Twitter](#) • [Facebook](#) • [Privacy Policy](#)

Current Working Arrangements in response to COVID-19

We encourage regulated entities to communicate with us by email wherever possible. The latest details about access to the Authority's office and arrangements for meetings can be found [here](#).

Where practicable correspondence and materials should be sent in electronic form:

- documents submitted electronically should be in encrypted PDF form with a password sent by separate cover, unless you are using our secure email solution (TLS).
- where documents would normally require wet signatures the Authority will accept PDFs and, on receipt, will advise if the original document should also be submitted for the file.
- Receipt of a PDF will be treated as the date of receipt for legislative purposes.

We thank you for your cooperation in this.

WARNING: This email message and any files transmitted with it are confidential and may be subject to legal privilege. You must not copy or deliver it to any other person or use the contents in any unauthorised manner without the express permission of the sender. If you are not the intended addressee of this e-mail, please delete it and notify the sender as soon as possible.

No employee or agent is authorised to conclude any binding agreement on behalf of any of the Departments or Statutory Boards of the Isle of Man Government with any party by e-mail without express written confirmation by a Manager of the relevant Department or Statutory Board.

RAAUE: S'preevaadjagh yn chaghteraght post-I shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-I shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-I er son Rheyynn ny Boayrd Slatyssagh erbee jeh Reilys Ellan Vannin dyn co-niartaghey scruit leayr veih Reireyder y Rheyynn ny Boayrd Slatyssagh t'eh bentyn rish.



THE GLOUCESTER DISTRICT LAND REGISTRY
TWYVER HOUSE
BRUTON WAY
GLOUCESTER
GL1 2BB

PRIVATE
THE SECRETARY
METROPOLITAN AND WESTCLIFF
PROPERTY COMPANY LIMITED
24 ORMOND AVENUE
HAMPTON
MIDDX TW12 2RU

Date: 29 October 1992

NOTICE to a cautioner of a dealing with the whole
(Rule 218, Land Registration Rules 1925)

County and district: SOUTH OXFORDSHIRE
(or London borough)

Title number(s): ON 52476

Property: land & buildings on East Side of Station Road Didcot

~~No. of charge:~~ ~~Date of charge:~~

The Chief Land Registrar hereby gives notice that the caution lodged by you
~~and~~
in HM Land Registry on the 28/6/1990 requiring that no dealing with the
land/charge referred to should be registered until notice had been served on the
cautioner(s), will cease to have any effect after the expiration of ⁽¹⁾ fourteen days
from the date of service of this notice, in the absence of objection by you.

(1) See note 4
overleaf.

This notice is given in respect of a transfer [inter company]
.....
from [redacted]
.....
to [redacted]
.....
of the land in the above mentioned title affected by the caution.

The dealing was lodged for registration by [redacted]
Me [redacted]
of [redacted]
.....

The notes overleaf explain the alternative courses of action open to you.

THE COMPANIES ACTS 1931-2004
MEMBER'S VOLUNTARY WINDING -UP
RETURN OF FINAL WINDING-UP MEETING
PURSUANT TO SECTION 224 OF THE COMPANIES ACT 1931
TO THE REGISTRAR OF COMPANIES

08/18/2020 10:05 00002#2033 0007
1 TO 3 PWT #100.00

NAME OF COMPANY

[Redacted]

[Redacted]

being the liquidator of the above-named company have to inform you that a general meeting of the company was duly (1) held on/summoned for 14 September 2020 pursuant to section 224 of the Companies Act 1931 for purpose of having an account (2) (a copy of which is attached hereto) laid before it showing how the winding-up of the company has been conducted and the property of the company has been disposed of, and that (1) the same was done accordingly
~~no quorum was present.~~

Signature

[Redacted]

Dated 19 Sept .2020..

Notes

- (1) Strike out that which does not apply
- (2) The copy account attached to this Return must ALSO be authenticated by the written signature(s) Liquidator(s),
- (3) To be assigned by each Liquidator if more than one

Presented by

[Redacted]



081020026

Co No

[Redacted]

Form IM31

THE COMPANIES ACT 2006


APPLICATION FOR A DECLARATION OF DISSOLUTION

Pursuant to Section 190(2)

Company Name	[Redacted]
--------------	------------

- 1 We, the undermentioned, hereby apply for a Declaration of Dissolution to be made for the above company, under the provisions of Section 190
- 2 We confirm that Notice of this Application has been sent by pre-paid post to each director, member and the Registered Agent of the company in accordance with Section 190(4).
- 3 Attached to this form is a statutory declaration made by a director under the provisions of section 190(2)
- 4 Details of the Applicant:

Name:	[Redacted]		
Address:	[Redacted]		
Post Code	IM1 1PL	Status to company:	Registered Agent

Note: The Registrar of Companies has no duty to verify the contents of this form or that the Memorandum & Articles of the company provide authority with respect to the matters contained in this form.	For Official Use only:  030519
---	--

Co No

[Redacted]

Form IM31

THE COMPANIES ACT 2006

<p>Signed on behalf of the Applicant by:</p> <p>[Redacted]</p>	
<p>(Authorised Signatory) Director, for & on behalf of [Redacted]</p>	<p>Dated: <u>25</u> / <u>04</u> / <u>2019</u> (dd) (mm) (yyyy)</p>
<p>Full Name of Signatory:</p> <p>[Redacted]</p> <p>(Print Name)</p>	

↑
Fraud

Co No

[Redacted]

Form IM31A

THE COMPANIES ACT 2006

**STATUTORY DECLARATION TO ACCOMPANY AN APPLICATION
FOR A DECLARATION OF DISSOLUTION OF A COMPANY
UNDER SECTION 190**

pursuant to Section 190(2)

NOTE: This Declaration must be completed by ONE director of the company.

Company Name [Redacted]

We [Redacted] (name of declarant)

of [Redacted] (address of declarant)

being a Director of the above company, do solemnly and sincerely declare as follows -

- (1) the company has ceased to operate and
- (2) to the best of my knowledge and belief and having made full enquiry into its affairs, I am satisfied that the company has discharged all its debts and liabilities (other than those owed to members in their capacities as such)

and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Evidence Act 1871

Declared at.
Douglas, Isle of Man

Signature of Declarant.
[Redacted]

Before me: [Redacted]
Date:

[Redacted]	20 10 2019 (dd) (mm) (yyyy)
------------	--------------------------------

[Redacted]

Notary Public

* Delete whichever does not apply

Note: The Registrar of Companies has no duty to verify the contents of this form or that the Memorandum & Articles of the company provide authority with respect to the matters contained in this form.	For Official Use only:
--	------------------------

The normal witness used.

Company Number

[Redacted]

Form 49

THE COMPANIES ACTS 1931 - 2004

DECLARATION VERIFYING MEMORANDUM OF SATISFACTION OF MORTGAGE OR CHARGE

Pursuant to Section 84 of the Companies Act 1931

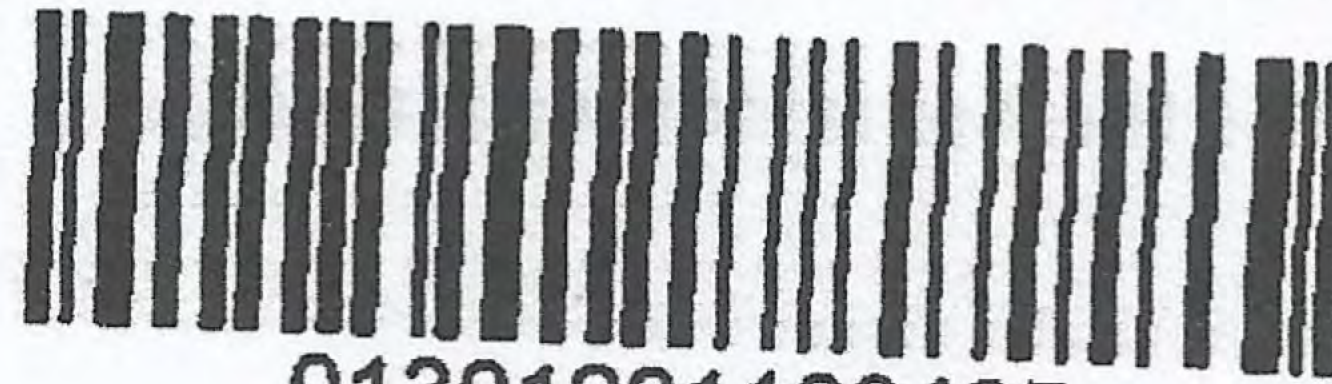
Please complete legibly in black type or bold, block lettering

Name of company: [Redacted]

*Delete as appropriate

I: [Redacted]

Of: [Redacted]



01301201100405

As director of the above company

And: [Redacted]

Of: [Redacted]

As director or secretary thereof

Do solemnly and sincerely declare that the particulars contained in the Memorandums of Satisfaction annexed hereto and both dated:

Day: 13th	Month: January	Year: 2011
--------------	-------------------	---------------

Are true to the best of our knowledge, information and belief. We make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Evidence Act 1871.

Declared at:
Douglas, Isle of Man

Before me: [Redacted]
Notary Public



Director Signature: [Redacted]

Name: [Redacted]

Date:
13/11/2011

Director Signature: [Redacted]

Name: [Redacted]

Date:
13/11/2011

**Please delete where appropriate

Presented by: [Redacted]

Official use only:

Company Number

[Redacted]

Form 49

THE COMPANIES ACTS 1931 - 2004

MEMORANDUM OF SATISFACTION OF MORTGAGE OR CHARGE

Name of company: [Redacted]

*Delete as appropriate

Hereby gives notice that the registered charge being**:
Third Party Charge of Debt (Serial number 18)

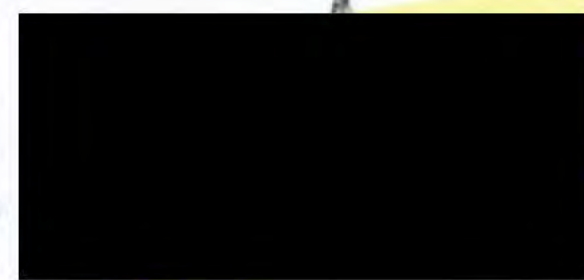
Of which particulars were registered with the Financial Supervision	Day: 7th	Month: April	Year: 1992
---	-------------	-----------------	---------------

And was satisfied on:	Day: 4th	Month: September	Year: 2000
-----------------------	-------------	---------------------	---------------

To the extent of:	In full	- Account closed 14076686
-------------------	---------	------------------------------

In witness whereof the common seal of the company was hereunto	13th	Month: January	Year: 2011
--	------	-------------------	---------------

Director [Redacted]

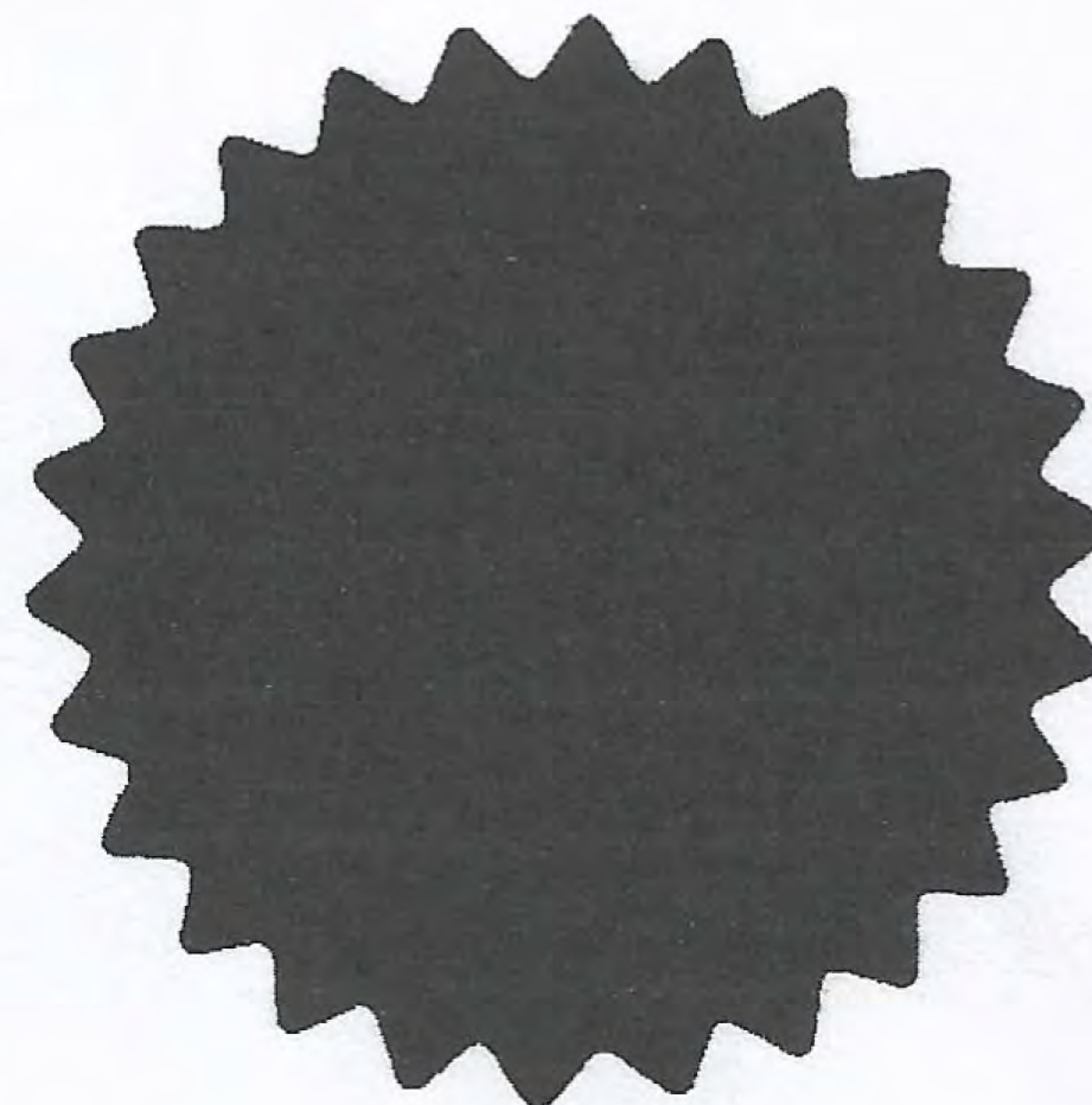


Convicted Fraudster

Director [Redacted]



Companies Registry
The Common Seal of the Company was affixed here on the original document.



** A description of the instrument(s) creating or evidencing the charge eg. "Mortgage", "Charge", "Debenture", etc., with the date thereof should be given. If the registered charge was a "Series of Debentures" or "Debenture Stock" the words "authorized by Resolution" together with the date of the Resolution should be added.

Note

You must attach a letter or some other form of evidence from the lender to state that the charge in question has now been satisfied and to what extent

Isle of Man Branch
 PO Box 151
 Royal Bank House
 2 Victoria Street
 Douglas
 Isle Of Man
 IM99 1NJ

24300
 165880

Particulars	Withdrawn	Paid in	2000	Balance
BALANCE FORWARD			17FEB	248000.00
INT TO 15MAR-GRS 14076686		3409.15	30MAR	
IBP INTEREST COVER	3409.15		30MAR	248000.00
INT TO 15JUN-GRS 14076686		3594.30	29JUN	
IBP INTEREST COVER	3594.30		29JUN	248000.00
ITL IMBLBYLR3001N MSC				
TFR TO 14076686	248000.00		31AUG	NIL
Total Withdrawn	255003.45	Total Paid In	2000	Balance
Lists		7003.45	4SEP	ACCOUNT CLOSED

- ADV - Separate Advice
- BAC - Automated Pay In
- BGC - Bank Giro Pay In
- CHG - Charges
- C/L - Cashline
- D/D - Direct Debit
- DIV - Dividend
- DR - Account Overdrawn
- IBP - Inter-Branch Payment
- INT - Interest
- ITL - International
- LST - List of Items
- NDC - No Dividend Counterfoil
- POS - Switch/ Maestros
- S/O - Standing Order
- SBT - Funds Transfer
- TSU - Direct or Banking
- DPC - Transaction - Tel. or PC

1001500

Full details available on request.

CARD USERS
 If your card is lost or stolen please contact your branch as soon as reasonably practicable or telephone: 0990 13 35 50

The Royal Bank of Scotland International Limited

Company Number

[Redacted]

Form 49

THE COMPANIES ACTS 1931 - 2004

MEMORANDUM OF SATISFACTION OF MORTGAGE OR CHARGE

Name of company: [Redacted]

*Delete as appropriate

Hereby gives notice that the registered charge being**:
Third Party Charge of Debt (Serial number 17)

Of which particulars were registered
with the Financial Supervision

Day: 7th	Month: April	Year: 1992
-------------	-----------------	---------------

And was satisfied on:

Day: 4th	Month: September	Year: 2000
-------------	---------------------	---------------

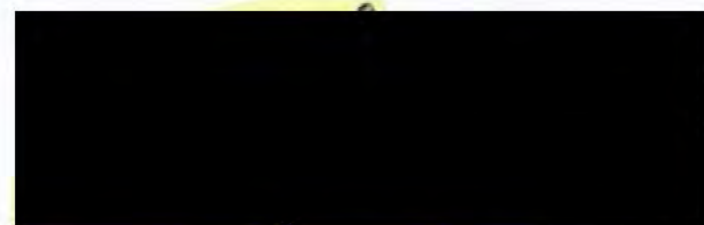
To the extent of:

In full	- Account closed 14076694
---------	------------------------------

In witness whereof the common seal
of the company was hereunto

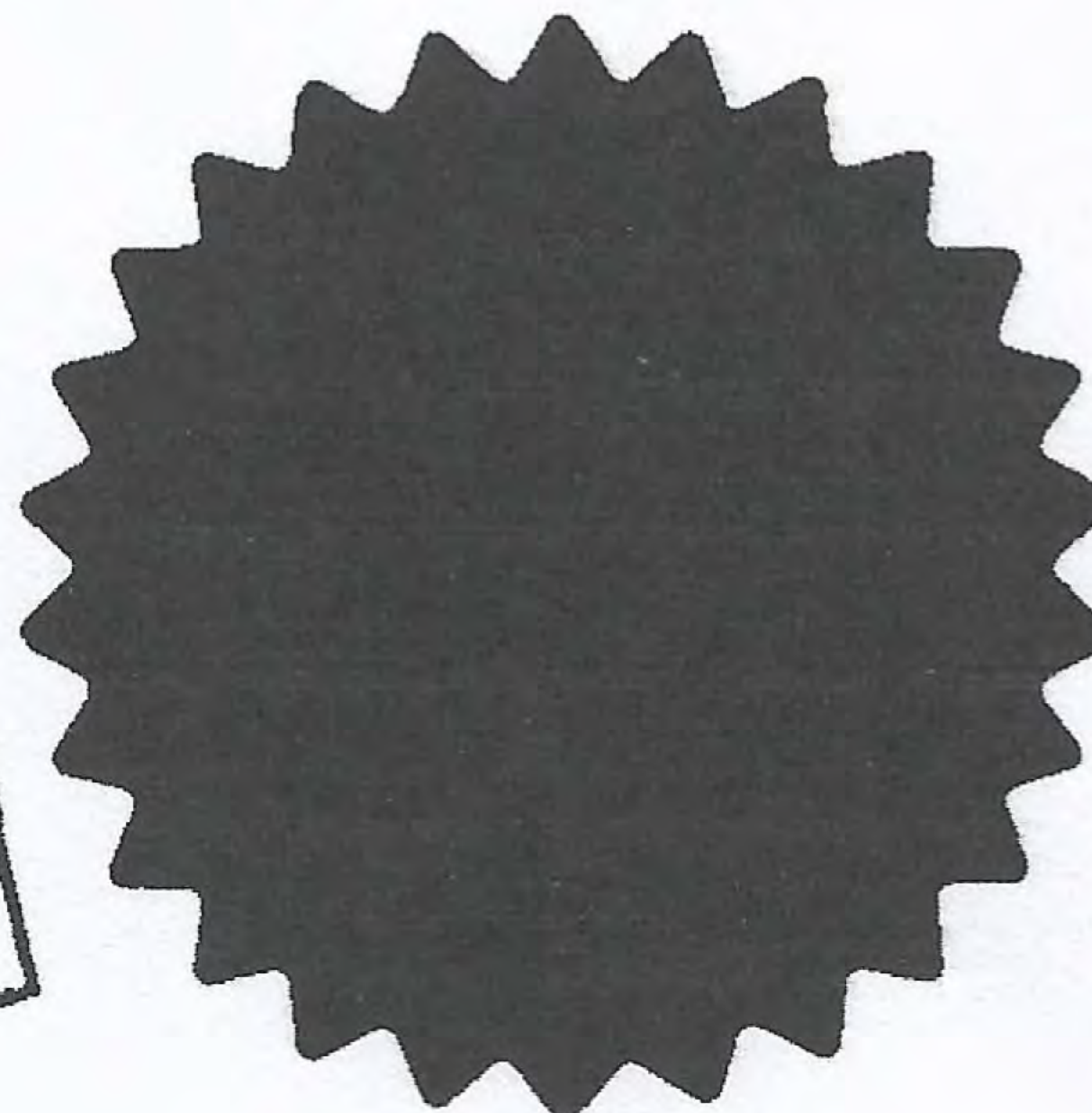
13th	Month: January	Year: 2011
------	-------------------	---------------

Director Sig [Redacted]



Dir [Redacted]

Companies Registry
The Common Seal
of the Company was
affixed here on the
original document.



** A description of the instrument(s) creating or evidencing the Charge eg. "Mortgage", "Charge", "Debenture", etc., with the date thereof should be given. If the registered charge was a "Series of Debentures" or "Debenture Stock" the words "authorized by Resolution" together with the date of the Resolution should be added.

Note

You must attach a letter or some other form of evidence from the lender to state that the charge in question has now been satisfied and to what extent

Isle of Man Branch
 PO Box 151
 Royal Bank House
 2 Victoria Street
 Douglas
 Isle Of Man
 IM99 1NJ

24300
 165880

The Royal Bank of Scotland International Limited

- ADV -Separate Advice
- BAC -Automated Pay In
- BGC -Bank Giro Pay In
- CHG -Charges
- C/L -Cashline
- D/D -Direct Debit
- DIV -Dividend
- DR -Account Overdrawn
- IBP -Inter-Branch Payment
- INT -Interest
- ITL -International
- LST -List of Items
- NDC -No Dividend Counterfoil
- POS -Switch/ Maestro
- S/O -Standing Order
- SBT -Funds Transfer
- TSU -Direct or Banking
- DPC Transaction Tel. or PC

0001499

‡Full details available on request.

CARD USERS
 If your card is lost or stolen please contact your branch as soon as reasonably practicable or telephone: 0990 13 35 50

Particulars	Withdrawn	Paid In	2000	Balance
BALANCE FORWARD			17FEB	248000.00
INT TO 15MAR-GRS 14076694		3409.15	30MAR	
IBP INTEREST COVER	3409.15		30MAR	248000.00
INT TO 15JUN-GRS 14076694		3594.30	29JUN	
IBP INTEREST COVER	3594.30		29JUN	248000.00
ITL IMBN410M0001N MSC				
TFR TO 14076694	248000.00		31AUG	NIL
Lists				
	Total Withdrawn	Total Paid In	2000	Balance
	255003.45	7003.45	4SEP	ACCOUNT CLOSED

No. of Company 24981 C

MR

①

No 91

7-4-92

ISLE OF MAN

REGISTER

OF THE

**Particulars of Mortgages and Charges
and of Memorandums of Satisfaction**

OF

[REDACTED]

Limited



[REDACTED]

From: Jordan Durante [REDACTED]
Sent: 10 April 2022 09:16
To: DHA, Legal Review
Subject: IOM trusts held by [REDACTED].
Attachments: [REDACTED] wind up fraud.pdf; 2020 28 01 [REDACTED].pdf

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Hi all

I have been in contact with Lord Garnier and his staff since last year. My family and I have much to share with your department , I personally have called many times and was told that your department could not help. I will call tomorrow morning and can submit a report for your offices consideration. My family case will amaze the public soon and my family and I do hope you can help with the broken system of the FSA , law society and establishments like the ECU of the IOM police who have failed to act on breaches of fiduciary duties and crimes.

[REDACTED] collected the rents for the UK properties held on trust in the IOM.

<https://www.dailyrecord.co.uk/news/local-news/ek-lawyer-child-sex-charges-2428928>

<https://www.bbc.com/news/world-europe-isle-of-man-35072497>

The system is broken Mr [REDACTED] hands in his license FSA are corrupt protecting [REDACTED] , destruction of shareholders of [REDACTED] since my visit to the IOM , fraudulent statements by lawyers and FSA [REDACTED] not affected by [REDACTED] thefts he dissolves it, [REDACTED] is dissolved by [REDACTED] which is fraud again , [REDACTED] uses [REDACTED] to steal from client funds for decades look at the shareholders of his 100 million pound fraud case called [REDACTED] they are [REDACTED] again.

I have a criminal offshore dossier nearly ready and will be releasing soon to show the public what my family have had to do to get our rightful inheritance !!

0034 602 571 715

Thanks for your time.

Kind regards

Jordan Durante

Sent from [Mail](#) for Windows

[REDACTED]

From: Jordan Durante [REDACTED] >
Sent: 12 April 2022 08:59
To: [REDACTED]
Subject: FW: Beneficial ownership act IOM, for the legal review.
Attachments: [REDACTED]

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Hi [REDACTED]

The following could be added to the report.

First lawyer hired was Mr [REDACTED] he extended Mr [REDACTED] deadline to produce accounts 4 times , we got our first payment in 14 years of 25k and he wanted 20k for nothing. Hired Feb 2020.
Second current lawyer at [REDACTED] told me it would be two months to apply to court in October 2020 and my family have just put an application in and we have the next appearance on April 22nd to gain permission to proceed to trial.
The FSA have committed fraud like [REDACTED] stated [REDACTED] did not affect [REDACTED] nor the [REDACTED] trust , pure lies and a cover up attempt.
The ECU IOM police are the worst opened the case ten times and took all the information and shared with the other side, giving the criminals a heads up to protect the IOM reputation.

Much more can be discussed like the shareholders of [REDACTED] being dissolved and no regulator will take action. Are you aware of the [REDACTED] commercial fraud case of Mr [REDACTED] at the IOM high court in 1999. The shareholders of [REDACTED] were [REDACTED] he uses this company to steal from many clients accounts over many decades.

WILL THE IOM PROTECT MY FAMILY COMPANIES AND ASSETS ?

Thanks for your time
Kind regards
Jordan Durante

Sent from [Mail](#) for Windows

From: [Jordan Durante](#)
Sent: 11 April 2022 16:10
To: [REDACTED]
Subject: FW: Beneficial ownership act IOM

Sent from [Mail](#) for Windows

From: [Jordan Durante](#)
Sent: 11 April 2022 16:09
To: enquiries@iomlawsociety.co.im
Cc: [REDACTED]
Subject: FW: Beneficial ownership act IOM

Sent from [Mail](#) for Windows

From: [Jordan Durante](#)

Sent: 11 April 2022 16:07

To: info@iomfsa.im

Cc: [REDACTED]

Subject: Beneficial ownership act IOM

Hi all

<https://www.gov.im/categories/business-and-industries/companies-registry/beneficial-ownership/>

<https://www.iomfsa.im/beneficial-ownership/overview/>

DUTY OF BENEFICIAL AND INTERMEDIATE OWNERS

Beneficial and Intermediate Owners must:

- Assist a legal owner to ascertain “required details” details. (S.10)
- Comply with requests/requirements made by the Authority under Section 30 and Schedule 1 of the Act. (S.30 + Schedule 1)

My family are not allowed accounts for [REDACTED] or [REDACTED] as we are not the shareholders.

[REDACTED] documents will be destroyed after 12 years which is this year.

[REDACTED] was set up by Mr [REDACTED] and his wife.

Will the IOM act to protect shareholders rights ?

[REDACTED] convicted fraudster who dissolves [REDACTED] and commissioner of oaths Mr [REDACTED] who two weeks later is accused of child abuse and jumps off a cliff.

<https://www.dailyrecord.co.uk/news/local-news/ek-lawyer-child-sex-charges-2428928>

[REDACTED] states [REDACTED] not affected by Mr [REDACTED] this is a misleading statement she removed him from all shareholders of [REDACTED] and dissolves the shareholders of [REDACTED] like [REDACTED] since my visit.

My family do hope the IOM will act now?

Thanks for your time.

Kind regards

Jordan Durante

Sent from [Mail](#) for Windows

Oral Submission from Mr Jordan Durante – 11/04/2022

Background

Mr JW Durante created [REDACTED]. He was later murdered and since then, Mr Jordan Durante alleges that the trust has been mishandled and funds have been stolen from the family.

Mr [REDACTED] was made a trustee and director of the trust in the Isle of Man.

Mr Durante alleges that Mr [REDACTED], Mr [REDACTED] and Mr [REDACTED] have committed fraud and conspired to keep his family from collecting their inheritance as well as stealing funds from their clients.

[REDACTED] Limited collected the rents for the UK properties held by [REDACTED]. Mr Durante alleges Mr [REDACTED] told renters to pay their rent directly to [REDACTED] instead of [REDACTED]. Mr Durante claims that the profits were split between [REDACTED] Limited and [REDACTED] Management Company – 80% went to [REDACTED] and 20% went to [REDACTED]. Mr Durante claims that his family were repeatedly assured they would be given their inheritance however his family received little, if any, of the proceeds from this arrangement. [REDACTED] Limited was dissolved in 2010 by Mr [REDACTED] without consulting Mr Durante or his family. The dissolution was witnessed by Mr [REDACTED].

Mr Durante states that Orchard Centre in Didcot, England, originally belonged to his family. Mr Durante alleges that Mr [REDACTED] applied for planning permission on Orchard Centre. Mr Durante claims he has been sent emails confirming he and his families are no longer shareholders and as they are not listed as beneficiaries he cannot receive news or reports on the estate's accounts.

Mr Durante claims that the Isle of Man Constabulary refuses to investigate the matter and believes that the Financial Services Authority are complicit in his family's mistreatment. He also claims that the Economic Crime Unit of the IOMC failed to act on financial crime relating to his family. Mr Durante has statements from UK police officers that claim this constitutes a crime. Mr Durante believes that the treatment of his family and their holdings violates the Beneficial Ownership Act 2017 and would like the above to be investigated.

[REDACTED]

From: Jordan Durante [REDACTED]
Sent: 13 April 2022 09:30
To: DHA, Legal Review
Cc: [REDACTED]
Subject: FW: Beneficial ownership act IOM, for the legal review. Please include the whole email.
Attachments: [REDACTED]

Categories: Orange Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Lord Garnier

My family and I hope you can stop the abuse we have suffered for decades from the IOM and Jersey.

I have already sent other files to your UK office re the case.

The following could be added to the report.

First lawyer hired was Mr [REDACTED] he extended Mr [REDACTED] deadline to produce accounts 4 times , we got our first payment in 14 years of 25k and he wanted 20k for nothing. Hired Feb 2020.

Second current lawyer at [REDACTED] told me it would be two months to apply to court in October 2020 and my family have just put an application in and we have the next appearance on April 22nd to gain permission to proceed to trial.

The FSA have committed fraud like [REDACTED] stated [REDACTED] did not affect [REDACTED] nor the Durante trust , pure lies and a cover up attempt.

The ECU IOM police are the worst opened the case ten times and took all the information and shared with the other side, giving the criminals a heads up to protect the IOM reputation.

Much more can be discussed like the shareholders of [REDACTED] being dissolved and no regulator will take action.

Are you aware of the [REDACTED] commercial fraud case of Mr [REDACTED] at the IOM high court in 1999.

The shareholders of [REDACTED] were [REDACTED] he uses this company to steal from many clients accounts over many decades.

WILL THE IOM PROTECT MY FAMILY COMPANIES AND ASSETS ?

Thanks for your time

Kind regards

Jordan Durante

Sent from [Mail](#) for Windows

From: [Jordan Durante](#)
Sent: 11 April 2022 16:10
To: [REDACTED]
Subject: FW: Beneficial ownership act IOM

Sent from [Mail](#) for Windows

From: [Jordan Durante](#)
Sent: 11 April 2022 16:09
To: enquiries@iomlawsociety.co.im
Cc: dominic.raab.mp@parliament.uk
Subject: FW: Beneficial ownership act IOM

Sent from [Mail](#) for Windows

From: [Jordan Durante](#)
Sent: 11 April 2022 16:07
To: info@iomfsa.im
Cc: [REDACTED]
Subject: Beneficial ownership act IOM

Hi all

<https://www.gov.im/categories/business-and-industries/companies-registry/beneficial-ownership/>

<https://www.iomfsa.im/beneficial-ownership/overview/>

DUTY OF BENEFICIAL AND INTERMEDIATE OWNERS

Beneficial and Intermediate Owners must:

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[REDACTED] documents will be destroyed after 12 years which is this year.

[REDACTED] was set up by Mr [REDACTED] and his wife.

Will the IOM act to protect shareholders rights ?

[REDACTED] convicted fraudster who dissolves [REDACTED] and commissioner of oaths Mr [REDACTED] who two weeks later is accused of child abuse and jumps off a cliff.

<https://www.dailyrecord.co.uk/news/local-news/ek-lawyer-child-sex-charges-2428928>

[REDACTED] states [REDACTED] not affected by Mr [REDACTED] this is a misleading statement she removed him from all shareholders of [REDACTED] and dissolves the shareholders of [REDACTED] like [REDACTED] since my visit.

My family do hope the IOM will act now?

Thanks for your time.

Kind regards

Jordan Durante

Sent from [Mail](#) for Windows

[REDACTED]

From: Jordan Durante [REDACTED]
Sent: 25 April 2022 07:40
To: DHA, Legal Review
Subject: FW: Complaint against Mr [REDACTED] and Mr [REDACTED].
Attachments: [REDACTED] file court docs he got from court but court say no .pdf; 2020 28 01 [REDACTED].pdf

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Sent from [Mail](#) for Windows

From: [Jordan Durante](#)
Sent: 24 April 2022 16:25
To: [REDACTED]
Cc: [REDACTED], [Isle of Man Law Society](#)
Subject: Complaint against Mr [REDACTED], [REDACTED] and Mr [REDACTED].

Hi All

My family and I have a list of complaints against the advocates making fraudulent or reckless comments over many decades to mislead my family and stop the truth emerging which exposes their joint frauds.

[REDACTED]

SOLICITORS

[REDACTED]

[REDACTED]



Date: 6th August 1998
Your Ref: 2/jme/Dur-C/Bram
Our Ref: AR/vm/D052006

Dear [REDACTED]

re: Durrant Family - The [REDACTED] Trust

I regret that I have not been able to come back to you in respect of the above matter for some time.

As I may have mentioned, I am currently obtaining Counsel's opinion on the tax implications of the movement of assets from Jersey, which should be available in the near future, hopefully by the end of the month. At the same time, I have been reviewing the proposed indemnity deed.

[REDACTED]

Shows [REDACTED] as consultant on the estates and Mr [REDACTED] [REDACTED] have stated they were not involved in the Durante family trust ever what lies and Mr [REDACTED] is the advocate who is replaced to delay the tax bill being paid at the last minute.

[REDACTED] is a shareholder of [REDACTED] dissolved witnessed by [REDACTED].

6369U



Date 13th June, 2019

Department of Economic Development,
Companies Registry,
St George's Court,
Upper Church Street,
Douglas,
Isle of Man,
IM99 2QS

Dear Sir,

Re: [REDACTED] ("The Company")

Further to your letter of 12th June, 2019, I confirm that the surplus assets of the Company have been distributed among its members in accordance with Section 273A (9) of the Companies Act 1931 and hereby request that publication be effected of a Declaration of Dissolution in respect of the Company

Yours faithfully,

[REDACTED]

Director

[REDACTED]

5. [REDACTED] to Jordan Jan 28th 2020.
Now [REDACTED] is a personal representative !!

[REDACTED] states that [REDACTED] did not affect our family trust and she is satisfied but she he removes him of shareholders of [REDACTED] for the thefts!

Note the only accounts we have been given are a joke, [REDACTED] was worth 5 million in 1988 on its own let alone all the other companies and three plus decades of trading !

Completer letter in PDF above shows [REDACTED] not affected the family trust and [REDACTED] is satisfied.

6. [redacted] email from [redacted] to Jordan Feb 3rd 2020.

Threats by [redacted] to Jordan re his allegations and again [redacted] states that [redacted] have never been involved in the historical estates of JWD AND MED but [redacted] was a consultant in 1998 and for many decades also you work for [redacted] and you have worked on the estates for decades at [redacted] and co also!!

Fwd: RE: Questions need answering

From: [redacted]
To: [redacted]
Date: Monday, 3 February 2020, 11:41 CET

----- Original Message -----

Subject: RE: Questions need answering
Date: 2020-02-03 10:30
From: [redacted]
To: [redacted]
Dear Jordan

I acknowledge receipt of your email dated 31 January 2020 timed at 16.16.

You will have received my letter of 28 January 2020 concerning the estates. My further letter dated 31 January 2020 provided some of the information you have requested in your email. I will take instructions in respect of the other aspects.

For the record, the details of this practice and its directors appear on all correspondence which you have received, both by letter and email. Mr [redacted] is not, and has not at any time been, a partner, director or employee of this firm.

It was also confirmed by Mr [redacted] a Director, in your two conversations with him last Tuesday (28 January 2020) that this firm was recently instructed in this matter. [redacted] has not been involved in any historic matters concerning the estates of Mr [redacted] and Mrs [redacted]. Any false allegations or statements which you make publicly about this firm or any of its employees, either verbally or in writing will be treated as defamatory and action will be taken against you accordingly. Similarly, any public disturbance instigated by you, which may constitute a public order offence in the Isle of Man, will be reported to the police and may result in criminal charges. I am sorry to have to write to you in these terms: we have tried at all times to deal with you cordially, but you have persisted in using abusive language and making threats against this firm, which appear to be based on inaccuracies and misunderstandings on your part.

I remind you that all communications are a cost to the estates, and whilst we are happy to engage with you to the extent we are instructed to do so, our time is best spent in progressing the matters on which we are instructed.

Regards
[redacted]

Feb 27th 2020 [redacted] email to Jordan.

Trying to get Jordan to sign an injunction not to return to his stately home in Braddon in the IOM. Jordan states he never met anyone so how can he cause alarm very strange ?

Mr [redacted] reported Jordan to the police but Jordan called the IOM police before his arrival on the island to make it clear that he had peaceful intentions and to communicate with the family trustee Mr [redacted]

The trustee does not consider Jordan an heir?

States unlikely for Jordan to benefit from the trusts etc.

The attitude of these lawyers is so corrupt why ?

Are they covering up their own joint historical frauds on the Durante trusts?

[REDACTED]

Your ref: LK/20-021/RM
Our ref: SMA7/1/MF/ER

27 February 2020

[REDACTED] Advocates and Solicitors

Douglas
IM1 2LD

Dear Sirs

Re: **The Estates of Mr [REDACTED] and Mrs [REDACTED]**

We write further to your letter dated 6 February 2020 and note you act for Jordan Durante.

~~Unfortunately, despite what you say, your client did cause serious alarm and distress to~~

Unfortunately, despite what you say, your client did cause serious alarm and distress to [REDACTED] partner and his two young children who were terrified by his actions in the Isle of Man. His activities were reported to the Isle of Man Constabulary.

We enclose a copy of the will of Mrs [REDACTED] dated 13 July 1999 which was proved by the Isle of Man High Court on 25 April 1991. We confirm [REDACTED] died on 6 October 2007. Mr [REDACTED] is the sole remaining personal representative ("the Personal Representative") in the estate of Mrs [REDACTED] (which includes the estate of Mr [REDACTED]) ("the Estates"). There is also another trust, of which the Personal Representative is not the trustee. This is a complex matter and we have been instructed to assist in finalising the Estates and in respect of a proposed application to the Isle of Man Court. We do not see why you would regard this as unusual.

Your letter requests information on behalf of Jordan Durante and his parents, but it is not clear whether you act for both Jordan and [REDACTED]. Please clarify.

We enclose a copy of the Personal Representative's letter to your client dated 11 February 2020. You will see that the Personal Representative has offered to meet with Mr and Mrs [REDACTED]. So the position is clear: Mr and Mrs [REDACTED] are viewed as potential beneficiaries of the Estates; Jordan Durante is not considered by the Personal Representative as being likely to benefit from the Estate while his parents are alive. Jordan will be welcome at a meeting if he is invited to attend by his parents. Otherwise, to represent his parents in communications about the Estates, Jordan will need to provide evidence of his

Representative as being likely to benefit from the Estate while his parents are alive. Jordan will be welcome at a meeting if he is invited to attend by his parents. Otherwise, to represent his parents in communications about the Estates, Jordan will need to provide evidence of his formal authority to act on their behalf. The Personal Representative does not otherwise regard Jordan as a person entitled to further information under the principles in *Schmidt v. Rosewood*². We confirmed in our letter dated 28 January 2020 to your client that there is a plan to finalise the Estates and that Jordan will be given notice of the application to the Isle of Man Court in due course (as will all other members of the relevant classes of beneficiaries).

Turning to the subject of communications, it has not been possible for the Personal Representative to contact Mr and Mrs [REDACTED] as their whereabouts has been for many years, and still is, unknown. They have not provided a residential address, email address or telephone number and the Personal Representative holds only a postal address in Surbiton, which is understood not to be Mr and Mrs [REDACTED] residence. Your client has also recently declined to provide details of their whereabouts. For your information, a copy of our

¹ Mr JW Durrant's will left the entire estate to his wife, Mrs MER Durrant.

² [2003] UKPC 26



letter dated 28 January 2020 has also been sent to the address held for Mr and Mrs [REDACTED] in Surbiton.

Your client has not signed the undertaking enclosed with Mr [REDACTED] letter dated 11 February 2020 and has not suggested any dates for a meeting in Spain. Both of these items will be required, if a meeting is to proceed.

Yours faithfully



8. [REDACTED] email to [REDACTED] Dec 22nd 2020.

[REDACTED] mentions [REDACTED] for the first time, she made misleading statements and said [REDACTED] had not affected the trust but he dissolved [REDACTED] doesnt know the relevance it is a sharholder of [REDACTED] and she dissolves [REDACTED] pure lies again by her.

Note [REDACTED] has now stopped signing the letters !!

Your ref: [REDACTED]
Our ref: SMA7/1/MF/AH

22 December 2020

Dear Sirs

Re: The Estate of Mrs [REDACTED] ("the Estate")

We write further to your letter dated 14 December 2021. The matters concerning your client's application (CHP21/0088) referred to you in your letter were dealt with at Court on 17 December 2021. We reply in respect of the other matters referred to in your letter.

1. Your client's loan account

We enclose a copy of the email and loan account summary for your client sent to [REDACTED] on 26 June 2020. We assume this is the subject matter of the reference in the first paragraph of your letter. We also enclose an updated loan account summary which includes the loan of £25,000 made to your client by [REDACTED] Limited in June 2020.

4. Accounting

We enclose the consolidated statement for the Estate to 31 March 2021 (including the figures for the Jersey structure to 31 December 2020). Your client has previously received the consolidated statement for the Estate to 25 November 2019 together the Estate accounts for 5 April 1991 to 30 September 2019 with supporting financial statements for [REDACTED] Limited for the years 2017 to 2020.

The accounts all currently remain in draft and cannot be finalised pending:-

- 4.1 the opening balance for [REDACTED] Limited being agreed;
- 4.2 an allocation of the tax settlement made with the Inland Revenue being made and apportioned between the various entities (which will take place as part of the final distribution plan); and
- 4.3 the Emerald Trust and its accounting being resolved, the Emerald Trust structure not currently being controlled by the Personal Representative.

You will see from consolidated statement the assets of the Estate are mostly within the Jersey structure and [REDACTED] Limited. [REDACTED] Limited is administered by [REDACTED] Isle of Man Limited. The Estate accounting has been prepared by [REDACTED] Chartered Accountant.

5. Further queries

- 5.1 Item numbered 2: we do not hold records for the Bramchosse Trust.
- 5.2 Item numbered 5: [REDACTED] Limited was an Isle of Man Company which sold UK property in the 1990s. It was dissolved in 2010. All proceeds of sale have been accounted for in the Estate accounts.
- 5.3 Item numbered 5: We are not aware of the relevance of [REDACTED] to the Estate. Please explain this reference.

Yours faithfully
[REDACTED]

9. [redacted] email to Jordan May 17th 2021.

[redacted] is now Executor of the estates.

[redacted] have been made aware of our request and it is confirmed we are not shareholders of Manor why [redacted] can not just give accounts surely the accounts will be the same as [redacted] accounts from [redacted]

From: [redacted]
S [redacted]
T [redacted]
C [redacted]
Subject: FW: Manor Estates accounts requested again

Dear Jordan

Further to your email below and telephone messages left, we have made contact with [redacted] who as you are aware act for the executors of the estate of Mrs [redacted]. We have advised them of your request as we are not in a position ourselves to provide any information to you - we can only provide such information to the shareholder.

We understand that necessary steps are being taken for an application to court with the ultimate goal to enable distributions to be made to the relevant family beneficiaries.

Best regards

[redacted]

Conclusion of the fake accounting and fraudulent statements by [redacted] and [redacted]

The Manx Mafia which have been trained by [redacted] for decades namely all his staff like [redacted] and now the firm [redacted] who have never been involved historically even though the firm has

merged with [REDACTED] and co on Oct 19th and [REDACTED] and himself worked on the estates for decades.

Mr [REDACTED] has made so many fraudulent statements over the decades and the majority of the staff at [REDACTED] have either worked with Mr [REDACTED] on these crimes or have been consultants for him over the years like [REDACTED]. Why can [REDACTED] not give the same accounts that [REDACTED] would show the Durante family ?

The reason they are made up the Durante family are not even shareholders of [REDACTED] or [REDACTED] so they would not be the same.

[REDACTED] comments re [REDACTED] and she is satisfied that the estates were not affected, she removes [REDACTED] from theft from all shareholders of [REDACTED], stating that [REDACTED] was never historically involved in the estates of JWD or MED he was a consultant for [REDACTED] and co where she was a manger, the numerous signatures by [REDACTED] confirming monies have been handed out to the correct members ie Shareholders of [REDACTED] vouchsafe nominees, vouchsafe Secretaries, [REDACTED] nominees and Secretaries many other companies could be mentioned, producing fake accounts, the statements from [REDACTED] re Mr [REDACTED] status is funny he can change from a personal rep or executor or trustee overnight by [REDACTED] hand.

[REDACTED] and all lawyers from [REDACTED] and co now [REDACTED] will make any comment necessary to stop the joint frauds being uncovered as they are historically involved.

Any accounts they produce will be by a Manx Mafia member aiding to cover up his own historical frauds, his name is [REDACTED] is file is below in the dossier.

My next email will follow and explain more allegations and the fellow conspirators actions.

Thanks all

Kind regards

Jordan Durante

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: 21 April 2022 12:23

Cc: [REDACTED]
Subject: Complaint

Dear Mr Durante

Further to our telephone conversation this morning, I have advised you that the Isle of Man Law Society only regulates its own members and can, therefore, only deal with complaints against Advocates or their Firms.

You have indicated that you have a complaint against [REDACTED], Mr [REDACTED] and Ms [REDACTED] of that Firm, for making reckless and fraudulent statements to you in multiple correspondence. Should you wish to bring a complaint, in this regard, you may do so using the Complaints Process of the Isle of Man Law Society, and I provide a link to the relevant part of our website to assist. <https://iomlawsociety.co.im/rules/complaints/> Alternatively, you may bring a complaint to the Advocates Disciplinary Tribunal and I have also provided a link to their website to assist. <https://courts.im/court-procedures/tribunals-service/tribunals/>

You indicated that you also have a complaint against Mr [REDACTED], however, as he is not a Manx Advocate you would have to bring your complaint in England via the SRA or the Legal Services Ombudsman.

I confirmed to you that, as your case continues before the High Court of Justice of the Isle of Man, you are under no time pressure to issue your complaint and you may do so once your case has concluded.

Unfortunately, we are unable to assist you with your complaints against [REDACTED] and others, and you will need to take these up with either the Isle of Man Financial Supervision Authority or the ACCA.

I understand your frustration with your lack of progress to date, and wish you well with your case. Should you need any further information, please do not hesitate to contact me.

Kind regards

[Redacted]

[Redacted]

[Redacted]

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No contracts may be concluded for or on behalf of Advocates [Redacted] or clients of Advocates [Redacted] by e-mail unless expressly stated to the contrary.

[Redacted]

From: Jordan Durante [Redacted]
Sent: 25 April 2022 07:41
To: DHA, Legal Review
Subject: FW: Complaint conclusion
Attachments: [Redacted] fraud by their own words..pdf; 1992 10 29 Gloucster council ltr to C.D.pdf; 2009 05 11 DISSOLUTION OF [Redacted] BY [Redacted] THE FRAUDSTER.pdf; 2020 19 09 [Redacted] file.pdf

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

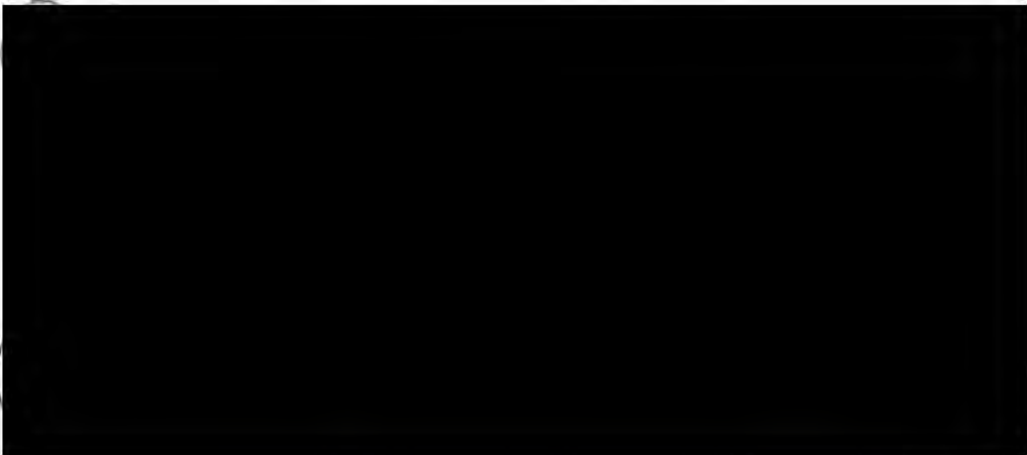
Sent from [Mail](#) for Windows

From: Jordan Durante [Redacted]
Sent: Sunday, April 24, 2022 5:07:36 PM
To: [Redacted]
Subject: RE: Complaint conclusion

Hi All

[Redacted]

[Redacted]



From the documents you can see [REDACTED] calls [REDACTED] a secondary heir and unlikely to benefit, lies over [REDACTED] to mislead [REDACTED], lies over Mr [REDACTED] status ie Trustee not personal representative , lies over [REDACTED] never being involved historically with the Durrant trust he was a consultant for many years and [REDACTED] has merged with his firm all old staff still on the trust case , trying to get [REDACTED] to sign an injunction when he never met nor spoke to [REDACTED] still to date [REDACTED] was used regularly to collect rents on the UK properties held on trust by [REDACTED] she knows all about [REDACTED] she was a director of many, fake accounting and will not supply accounts via [REDACTED] as we are not listed as a shareholder, this shareholder fraud re [REDACTED] and [REDACTED], the accounts will be supplied by [REDACTED] who changes names of companies like [REDACTED] limited to stop my tracing efforts and finally for now [REDACTED] signs and confirms all members paid from many shareholders of [REDACTED] and witnessed by [REDACTED] this is wrong also by [REDACTED] surely this is not correct they have all been involved in the family company and will not give accounts.

Mr [REDACTED] spoke to me via zoom when I did not know he represented the other bloodlines who are helping [REDACTED] as they did a deal of 80% to [REDACTED] and 20% to [REDACTED], he introduced me to a lawyer who would have shared information back with him, his name is [REDACTED] who was trying desperately to get me to supply him with the information we were going to rely on in court coming, he lies and states he got the witness statement from court the IOM court, the IOM court has denied this.

This is a small section from the offshore dossier to be released soon.

I hope your department will act and help my family, by stopping the destructions of documents or informing my family who is responsible for that also the beneficial registry who is responsible as all agencies to date protect [REDACTED] and [REDACTED] at all costs and will not help or take complaints as [REDACTED] hands in his license to the FSA and is helped by them but all has been recorded and shown to the public soon.

My family and I our victims of racketeering and bribery thriving in the unregulated islands for decades since my grandfathers murder in London in 1988, please help and put an end to this.

I am available for a detailed call tomorrow if your offices can now act and help protect us as heirs in the IOM? I have a lot more information to add.

Thanks for your time.

Kind regards

Jordan Durante

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: 21 April 2022 12:23
To: [REDACTED]
Cc: [REDACTED]
Subject: Complaint

Dear Mr Durante

Further to our telephone conversation this morning, I have advised you that the Isle of Man Law Society only regulates its own members and can, therefore, only deal with complaints against Advocates or their Firms.

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You indicated that you also have a complaint against Mr [REDACTED], however, as he is not a Manx Advocate you would have to bring your complaint in England via the SRA or the Legal Services Ombudsman.

I confirmed to you that, as your case continues before the High Court of Justice of the Isle of Man, you are under no time pressure to issue your complaint and you may do so once your case has concluded.

Unfortunately, we are unable to assist you with your complaints against [REDACTED] and others, and you will need to take these up with either the Isle of Man Financial Supervision Authority or the ACCA.

I understand your frustration with your lack of progress to date, and wish you well with your case. Should you need any further information, please do not hesitate to contact me.

Kind regards

[REDACTED]

[REDACTED]

Email:

[Redacted]

[Redacted]

[Redacted]

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The contents of this e-mail and any attachments are confidential to the intended recipient and may be subject to legal privilege. It may not be disclosed, used, copied or distributed by anyone other than the intended addressee. If you have received this e-mail in error, please contact [Redacted]. Please then delete the e-mail and attachments and destroy all copies. Please note that the use and operation of this e-mail and its attachments are not the responsibility of [Redacted] nor the sender hereof. [Redacted] does not accept any responsibility for loss or damage arising from its use or opening nor of any attachments. E-mails may be intercepted, altered or read by those for whom they were not intended. Snail mail, courier or fax may be more suitable for confidential communications. However, by sending [Redacted] messages by e-mail you authorise and instruct us to correspond by e-mail as well unless we receive specific instructions in writing not to do so. No contracts may be concluded for or on behalf of [Redacted] by e-mail unless expressly stated to the contrary.

[REDACTED]

From: Jordan Durante [REDACTED]
Sent: 25 April 2022 07:41
To: DHA, Legal Review
Subject: FW: Complaints of Mr [REDACTED], Mr [REDACTED] and [REDACTED] namely [REDACTED].
Attachments: [REDACTED] wind up fraud.pdf; [REDACTED] frauds [REDACTED] nominees limited [REDACTED] all over giving mortgage to [REDACTED] family..pdf
Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Sent from [Mail](#) for Windows

From: Jordan Durante [REDACTED]
[REDACTED] April 24, 2022 4:37:39 PM
To: [REDACTED]
Subject: RE: Complaints of Mr [REDACTED], Mr [REDACTED] and [REDACTED] namely [REDACTED].

Hi all

2. [REDACTED] Oct 19th 1992.
Now in his own words he is an executor of the estates.

[REDACTED]
SOLICITORS

[REDACTED]
Solicitors

[REDACTED]
Surrey
[REDACTED]

9 1 OCT 1992

Your Reference:

Our Reference:

2/BB/Durante

BJS/ad/50847/

19 October 1992

Dear Sirs

re: [REDACTED]

We thank you for your letter dated 12 October 1992.

We apologise for our letter going directly to your client. It has been our invariable practice to address all correspondence to Mr Durante's solicitors, including cases where he writes to us direct. We do confirm that we will correspond with you direct on all future occasions.

We note that you think the offer is attractive. Based on the advice we have received from our estate agent, we agree. We are proposing therefore to conclude a sale of the property. We are doing this because we see no connection between proceedings taken by Mr [REDACTED] to restrain your client from issuing threats against his staff and himself.

The proceeds of sale will be put into the Executors' account. The Executors' account will be used to pay liabilities to the Estate and ultimately distributed between the beneficiaries.

10. [REDACTED] email to Jordan Jan 28th 2020.

[REDACTED] is now a personal representative since Jordan involvement in the case.

[REDACTED]
Your ref:

Our ref: SMA7/2/MF/ER

28 January 2020

FAO: Jordan Durante

By Email only [REDACTED]

Dear Jordan

I write further to our telephone discussions on 23 January 2020 and 24 January 2020. We also spoke briefly on 27 January 2020.

We act for Mr [REDACTED] the personal representative ("Personal Representative") in the estates of Mr [REDACTED] and Mrs [REDACTED] ("the Estates").

11. [REDACTED] email to [REDACTED] Feb 27th 2020.

[REDACTED] is a personal representative again.

Your ref: LK/20-021/RM
Our ref: SMA7/1/MF/ER

27 February 2020

Dear Sirs

Re: The Estates of Mr. [REDACTED] and Mrs [REDACTED]

We write further to your letter dated 6 February 2020 and note you act for Jordan Durante.

Unfortunately, despite what you say, your client did cause serious alarm and distress to [REDACTED] partner and his two young children who were terrified by his actions in the Isle of Man. His activities were reported to the Isle of Man Constabulary.

We enclose a copy of the will of Mrs [REDACTED] dated 13 July 1999 which was proved by the Isle of Man High Court on 25 April 1991. We confirm [REDACTED] died on 6 October 2007. Mr [REDACTED] is the sole remaining personal representative ("the Personal Representative") in the estate of Mrs [REDACTED] (which includes the estate of Mr [REDACTED] ("the Estates"). There is also another trust, of which the Personal Representative is not the trustee. This is a complex matter and we have been instructed to assist in finalising the Estates and in respect of a proposed application to the Isle of Man Court. We do not see why you would regard this as unusual.

Your letter requests information on behalf of Jordan Durante and his parents, but it is not clear whether you act for both Jordan and Mr and Mrs [REDACTED]. Please clarify.

We enclose a copy of the Personal Representative's letter to your client dated 11 February 2020. You will see that the Personal Representative has offered to meet with Mr and Mrs [REDACTED]. So the position is clear: Mr and Mrs [REDACTED] are viewed as potential beneficiaries of the Estates; Jordan Durante is not considered by the Personal Representative as being likely to benefit from the Estate while his parents are alive. Jordan will be welcome at a meeting if he is invited to attend by his parents. Otherwise, to represent his parents in communications about the Estates, Jordan will need to provide evidence of his formal authority to act on their behalf. The Personal Representative does not otherwise regard Jordan as a person entitled to further information under the principles in *Schmidt v. Rosewood*². We confirmed in our letter dated 28 January 2020 to your client that there is a plan to finalise the Estates and that Jordan will be given notice of the application to the Isle of Man Court in due course (as will all other members of the relevant classes of beneficiaries).

Turning to the subject of communications, it has not been possible for the Personal Representative to contact Mr and Mrs [REDACTED] as their whereabouts has been for

12. [REDACTED] email to [REDACTED] April 21st 2020.

[REDACTED] is acting as a executor not a trustee we have told you.!!

Great to have clarity on that point at last ?

Our ref: SMA7/1/MF/ER

21 April 2020

Dear [REDACTED],

I write further to the email chain ending with your mail dated 16 April, 2020, which raises five issues:

- Accounting;
- whether [REDACTED] is acting as an executor, or as a trustee;
- appropriate responsibility for the work undertaken;
- litigation;
- delay.

1. Estate Accounts

My firm has provided you with the executor's account for the estate of [REDACTED] (the Estate) from 1991 to 30 September 2020, three years accounts for [REDACTED] and updated accounts for [REDACTED] to 31 March 2020. We have also provided an asset statement to your clients updated to 25 November 2019. This showed the estate accounts were readily available.

You have expressed that this is not enough for your purposes. Therefore,

Mr [REDACTED] as

executor of the Estate will arrange for the accounts of the Estate to be certified by the

accountants and request the [REDACTED] directors to approve and sign its accounts. All the

certificates will be qualified because the accountants are:

- awaiting confirmations from [REDACTED] about some opening balances for

Manor and

- the taxation settlement amount paid by [REDACTED] of £2,500,000 has yet to be

apportioned¹.

These certificates will give your clients comfort as they will confirm:

2. Executor or Trustee

You repeatedly refer to Mr [REDACTED] as a 'trustee'. We repeatedly stated that he is acting as an executor not a trustee. One consequence of this analysis is he cannot resign.

I trust this is an end to this line of correspondence.

Your clients do, of course, have the right to apply to the Court under the Administration of Estates Act 1990 if they have grounds to do so. I do not believe they have any such grounds.

My firm has been informed such an application would not be supported by the two other branches of the [REDACTED] family, on the grounds of costs and the common priority objective of progressing the Estate to distribution.

3. Representation of the Executor

The Estate is complex given the nature of the assets and the understandable past complications in relationships between Mrs [REDACTED] three sons. Mr [REDACTED] has been legally represented throughout the administration, which is clearly warranted by the complexity of the various components of the Estate. From about 2001,

13. [REDACTED] email to Jordan May 17th 2021.

Executor now for [REDACTED]

From: [REDACTED]
Sent: 17 May 2021 17:32
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: [REDACTED] accounts requested again

Dear Jordan

Further to your email below and telephone messages left, we have made contact with [REDACTED] who as you are aware act for the executors of the estate of Mrs [REDACTED]. We have advised them of your request as we are not in a position ourselves to provide any information to you - we can only provide such information to the shareholder.

14. [redacted] email to [redacted] Dec 7th 2021.
[redacted] is back to a personal representative now !

Your ref:
Our ref: SMA7/1/MF/AH

07 December 2021

Dear Sirs

Re: The Estate of [redacted] (Deceased) ("the Estate")

We write concerning your client, [redacted]. Please share this letter with him.

We will be writing in similar terms to the legal representative for the executors of the estates of [redacted] and [redacted].

We enclose:

1. the current draft Deed of Retirement and Appointment of Trustee for the Emerald Trust (the DORA) in circulation between [redacted] and our client [redacted] (the PR) which in the schedule includes a Transfer Indemnity;
2. the draft Deed of Release (the Releases) to be given to the Jersey Trustee by your client and an engrossment of the same.

still alive 43 years later.

Conclusion of the PR or Executor.

This is a very short conclusion what I will add is please observe the lengths [redacted] goes to, to protect Mr [redacted] and lie about his status to cover him and her own frauds up of many decades. NOW A PR AGAIN WEARS MANY HATS , IS Mr [redacted] a PR, trustee or executor of the estates.

My conclusion will be sent next for clarity.

Kind regards

Jordan Durante

Sent from [Mail](#) for Windows

From: [redacted]
Sent: 21 April 2022 12:23

Cc: [redacted]
Subject: Complaint

Dear Mr Durante

Further to our telephone conversation this morning, I have advised you that the Isle of Man Law Society only regulates its own members and can, therefore, only deal with complaints against Advocates or their Firms.

You have indicated that you have a complaint against [redacted], Mr [redacted] and Ms [redacted] of that Firm, for making reckless and fraudulent statements to you in multiple correspondence. Should you wish to bring a complaint, in this regard, you may do so using the Complaints Process of the Isle of Man Law Society, and I provide a link to the relevant part of our website to assist. <https://iomlawsociety.co.im/rules/complaints/> Alternatively, you may bring a complaint to the Advocates Disciplinary Tribunal and I have also provided a link to their website to assist. <https://courts.im/court-procedures/tribunals-service/tribunals/>

You indicated that you also have a complaint against Mr [REDACTED], however, as he is not a Manx Advocate you would have to bring your complaint in England via the SRA or the Legal Services Ombudsman.

I confirmed to you that, as your case continues before the High Court of Justice of the Isle of Man, you are under no time pressure to issue your complaint and you may do so once your case has concluded.

Unfortunately, we are unable to assist you with your complaints against [REDACTED] and others, and you will need to take these up with either the Isle of Man Financial Supervision Authority or the ACCA.

I understand your frustration with your lack of progress to date, and wish you well with your case. Should you need any further information, please do not hesitate to contact me.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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The contents of this e-mail and any attachments are confidential to the intended recipient and may be subject to legal privilege. It may not be disclosed, used, copied or distributed by anyone other than the intended addressee. If you have received this e-mail in error, please contact [REDACTED] immediately on [REDACTED]. Please then delete the e-mail and attachments and destroy all copies. Please note that the use and operation of this e-mail and its attachments are not the responsibility of [REDACTED] nor the sender hereof. Advocates [REDACTED] does not accept any responsibility for loss or damage arising from its use or opening nor of any attachments.

E-mails may be intercepted, altered or read by those for whom they were not intended. Snail mail, courier or fax may be more suitable for confidential communications. However, by sending [REDACTED] messages by e-mail you authorise and instruct us to correspond by e-mail as well unless we receive specific instructions in writing not to do so.

No contracts may be concluded for or on behalf of [REDACTED] or clients of [REDACTED] by e-mail unless expressly stated to the contrary.

[REDACTED]

From: Jordan Durante [REDACTED]
Sent: 25 April 2022 07:42
To: DHA, Legal Review
Subject: FW: Complaint against Mr [REDACTED], [REDACTED] and Mr [REDACTED].
Attachments: [REDACTED] frauds [REDACTED] and [REDACTED] nominees limited [REDACTED] all over giving mortgage to [REDACTED] family..pdf

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Hi all

Please add this to the Durante file for the legal review.
Thanks for your help.
Kind regards
Jordan Durante

Sent from [Mail](#) for Windows

From: Jordan Durante [REDACTED]
Sent: Monday, April 25, 2022 8:38:47 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Complaint against Mr [REDACTED], [REDACTED] and Mr [REDACTED].

Hi All

...being controlled by the Personal Representative.

You will see from consolidated statement the assets of the Estate are mostly within the Jersey structure and [REDACTED] Limited. [REDACTED] Limited is administered by [REDACTED] Trust Isle of Man Limited. The Estate accounting has been prepared by [REDACTED] Chartered Accountant.

5. Further queries
- 5.1 Item numbered 2: we do not hold records for the Bramchosse Trust.
 - 5.2 Item numbered 5: [REDACTED] was an Isle of Man Company which sold UK property in the 1990s. It was dissolved in 2010. All proceeds of sale have been accounted for in the Estate accounts.
 - 5.3 Item numbered 5: We are not aware of the relevance of [REDACTED] to the Estate. Please explain this reference.

The above is lies [REDACTED] was a director of [REDACTED] and would know all the facts of the company like the 80% 20% split, [REDACTED] handled rent collections for years on the properties and sales via Mr [REDACTED] instructed by [REDACTED]. [REDACTED] is a shareholder of [REDACTED] with [REDACTED] involved can she not see the relevance now? It was used til 2009 when [REDACTED] dissolves it and she removes him from all companies so it must have affected the family trusts unlike her email stating she is satisfied that [REDACTED] thefts did not affect the trusts is lies and she dam right knows it she should have her license taken and be arrested immediately.

I will call the offices later today.
Thanks
Kind regards

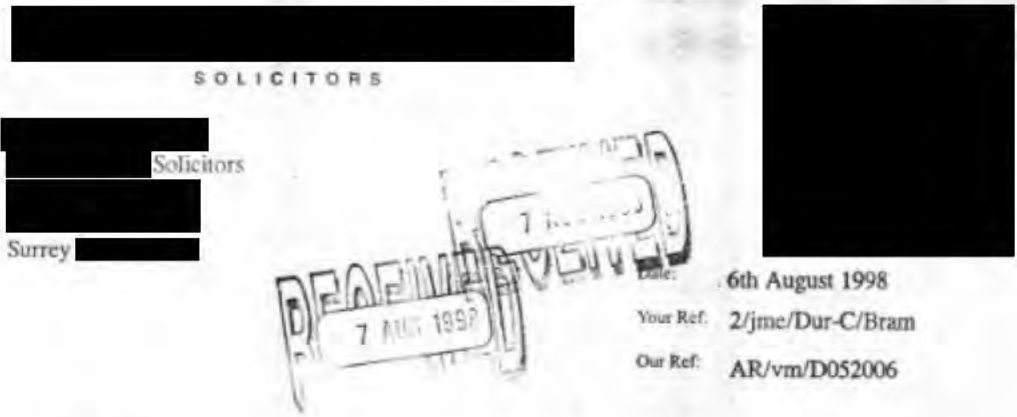
Jordan

Sent from [Mail](#) for Windows

From: [Jordan Durante](#)
Sent: 24 April 2022 16:25
To: [REDACTED]
Subject: Complaint against Mr [REDACTED], [REDACTED] and Mr [REDACTED].

Hi All

My family and I have a list of complaints against the advocates making fraudulent or reckless comments over many decades to mislead my family and stop the truth emerging which exposes their joint frauds.



Dear [REDACTED]

re: [REDACTED]

I regret that I have not been able to come back to you in respect of the above matter for some time.

As I may have mentioned, I am currently obtaining Counsel's opinion on the tax implications of the movement of assets from Jersey, which should be available in the near future, hopefully by the end of the month. At the same time, I have been reviewing the proposed indemnity deed.



Shows [REDACTED] as consultant on the estates and Mr [REDACTED] [REDACTED] have stated they were not involved in the Durante family trust ever what lies and Mr [REDACTED] is the advocate who is replaced to delay the tax bill being paid at the last minute.

[REDACTED] is a shareholder of [REDACTED] dissolved witnessed by [REDACTED].

6369U

[Redacted]

[Redacted]

Date 13th June, 2019

Department of Economic Development,
Companies Registry,
St George's Court,
Upper Church Street,
Douglas,
Isle of Man,
IM99 2QS

Dear Sir,

Re: [Redacted] ("The Company")

Further to your letter of 12th June, 2019, I confirm that the surplus assets of the Company have been distributed among its members in accordance with Section 273A (9) of the Companies Act 1931 and hereby request that publication be effected of a Declaration of Dissolution in respect of the Company

Yours faithfully,

[Redacted]
Douglas Trustees Limited
Director

Fraud By [Redacted]

5. [Redacted] from [Redacted] to Jordan Jan 28th 2020.
Now [Redacted] is a personal representative !!

[Redacted] states that [Redacted] did not affect our family trust and she is satisfied but she he removes him of shareholders of [Redacted] for the thefts!

Note the only accounts we have been given are a joke, [Redacted] was worth 5 million in 1988 on its own let alone all the other companies and three plus decades of trading !

Completer letter in PDF above shows [Redacted] not affected the family trust and [Redacted] is satisfied.

6. [redacted] email from [redacted] to Jordan Feb 3rd 2020.

Threats by [redacted] to Jordan re his allegations and again [redacted] states that [redacted] have never been involved in the historical estates of [redacted] but [redacted] was a consultant in 1998 and for many decades also you work for [redacted] and you have worked on the estates for decades at [redacted] and co also!!

Fwd: RE: Questions need answering

From: [redacted]
To: [redacted]
Date: Monday, 3 February 2020, 11:41 CET

----- Original Message -----

Subject: RE: Questions need answering
Date: 2020-02-03 10:30

From: [redacted]
To: [redacted]
Dear Jordan

I acknowledge receipt of your email dated 31 January 2020 timed at 16.16.

You will have received my letter of 28 January 2020 concerning the estates. My further letter dated 31 January 2020 provided some of the information you have requested in your email. I will take instructions in respect of the other aspects.

For the record, the details of this practice and its directors appear on all correspondence which you have received, both by letter and email. Mr [redacted] is not, and has not at any time been, a partner, director or employee of this firm.

It was also confirmed by Mr [redacted] a Director, in your two conversations with him last Tuesday (28 January 2020) that this firm was recently instructed in this matter. [redacted] has not been involved in any historic matters concerning the estates of Mr [redacted] and Mrs [redacted]. Any false allegations or statements which you make publicly about this firm or any of its employees, either verbally or in writing will be treated as defamatory and action will be taken against you accordingly. Similarly, any public disturbance instigated by you, which may constitute a public order offence in the Isle of Man, will be reported to the police and may result in criminal charges. I am sorry to have to write to you in these terms: we have tried at all times to deal with you cordially, but you have persisted in using abusive language and making threats against this firm, which appear to be based on inaccuracies and misunderstandings on your part.

I remind you that all communications are a cost to the estates, and whilst we are happy to engage with you to the extent we are instructed to do so, our time is best spent in progressing the matters on which we are instructed.

Regards
[redacted]

Feb 27th 2020 [redacted] email to Jordan.

Trying to get Jordan to sign an injunction not to return to his stately home in [redacted] in the IOM. Jordan states he never met anyone so how can he cause alarm very strange ?

Mr [redacted] reported Jordan to the police but Jordan called the IOM police before his arrival on the island to make it clear that he had peaceful intentions and to communicate with the family trustee Mr [redacted]

The trustee does not consider Jordan an heir?

States unlikely for Jordan to benefit from the trusts etc.

The attitude of these lawyers is so corrupt why ?

Are they covering up their own joint historical frauds on the Durante trusts?

[REDACTED]

Your ref: LK/20-021/RM
Our ref: SMA7/1/MF/ER

27 February 2020

[REDACTED]

Dear Sirs

Re: **The Estates of Mr. [REDACTED] and Mrs. [REDACTED]**

We write further to your letter dated 6 February 2020 and note you act for Jordan Durante.

Unfortunately, despite what you say, your client did cause serious alarm and distress to

Unfortunately, despite what you say, your client did cause serious alarm and distress to [REDACTED] partner and his two young children who were terrified by his actions in the Isle of Man. His activities were reported to the Isle of Man Constabulary.

We enclose a copy of the will of Mrs [REDACTED] dated 13 July 1999 which was proved by the Isle of Man High Court on 25 April 1991. We confirm [REDACTED] died on 6 October 2007. Mr [REDACTED] is the sole remaining personal representative ("the Personal Representative") in the estate of Mrs [REDACTED] (which includes the estate of [REDACTED] ("the Estates"). There is also another trust, of which the Personal Representative is not the trustee. This is a complex matter and we have been instructed to assist in finalising the Estates and in respect of a proposed application to the Isle of Man Court. We do not see why you would regard this as unusual.

Your letter requests information on behalf of Jordan Durante and his parents, but it is not clear whether you act for both Jordan and Mr and Mrs [REDACTED]. Please clarify.

We enclose a copy of the Personal Representative's letter to your client dated 11 February 2020. You will see that the Personal Representative has offered to meet with Mr and Mrs [REDACTED]. So the position is clear: Mr and Mrs [REDACTED] are viewed as potential beneficiaries of the Estates; Jordan Durante is not considered by the Personal Representative as being likely to benefit from the Estate while his parents are alive. Jordan will be welcome at a meeting if he is invited to attend by his parents. Otherwise, to represent his parents in communications about the Estates, Jordan will need to provide evidence of his

Representative as being likely to benefit from the Estate while his parents are alive. Jordan will be welcome at a meeting if he is invited to attend by his parents. Otherwise, to represent his parents in communications about the Estates, Jordan will need to provide evidence of his formal authority to act on their behalf. The Personal Representative does not otherwise regard Jordan as a person entitled to further information under the principles in *Schmidt v. Rosewood*². We confirmed in our letter dated 28 January 2020 to your client that there is a plan to finalise the Estates and that Jordan will be given notice of the application to the Isle of Man Court in due course (as will all other members of the relevant classes of beneficiaries).

Turning to the subject of communications, it has not been possible for the Personal Representative to contact Mr and Mrs [REDACTED] as their whereabouts has been for many years, and still is, unknown. They have not provided a residential address, email address or telephone number and the Personal Representative holds only a postal address in Surbiton, which is understood not to be Mr and Mrs [REDACTED] residence. Your client has also recently declined to provide details of their whereabouts. For your information, a copy of our

¹ [REDACTED] will left the entire estate to his wife, Mrs [REDACTED]

² [2003] UKPC 26



letter dated 28 January 2020 has also been sent to the address held for Mr and Mrs [REDACTED] in Surbiton.

Your client has not signed the undertaking enclosed with Mr [REDACTED] letter dated 11 February 2020 and has not suggested any dates for a meeting in Spain. Both of these items will be required, if a meeting is to proceed.

Yours faithfully



8. [REDACTED] email to [REDACTED] Dec 22nd 2020.

[REDACTED] mentions [REDACTED] for the first time, she made misleading statements and said [REDACTED] had not affected the trust but he dissolved [REDACTED] and [REDACTED] doesn't know the relevance it is a shareholder of [REDACTED] and she dissolves [REDACTED] pure lies again by her.

Note [REDACTED] has now stopped signing the letters !!

[REDACTED]

Your ref:
Our ref: SMA7/1/MF/AH

22 December 2020

[REDACTED]

Dear Sirs

Re: The Estate of Mrs [REDACTED] ("the Estate")

We write further to your letter dated 14 December 2021. The matters concerning your client's application ([REDACTED] referred to you in your letter were dealt with at Court on 17 December 2021. We reply in respect of the other matters referred to in your letter.

1. Your client's loan account

We enclose a copy of the email and loan account summary for your client sent to [REDACTED] on 26 June 2020. We assume this is the subject matter of the reference in the first paragraph of your letter. We also enclose an updated loan account summary which includes the loan of £25,000 made to your client by [REDACTED] Limited in June 2020.

4. Accounting

We enclose the consolidated statement for the Estate to 31 March 2021 (including the figures for the Jersey structure to 31 December 2020). Your client has previously received the consolidated statement for the Estate to 25 November 2019 together the Estate accounts for 5 April 1991 to 30 September 2019 with supporting financial statements for Manor Estates Limited for the years 2017 to 2020.

The accounts all currently remain in draft and cannot be finalised pending:-

- 4.1 the opening balance for [REDACTED] Limited being agreed;
- 4.2 an allocation of the tax settlement made with the Inland Revenue being made and apportioned between the various entities (which will take place as part of the final distribution plan); and
- 4.3 the [REDACTED] Trust and its accounting being resolved, the [REDACTED] Trust structure not currently being controlled by the Personal Representative.

You will see from consolidated statement the assets of the Estate are mostly within the Jersey structure and [REDACTED] Limited. [REDACTED] Limited is administered by [REDACTED] Trust Isle of Man Limited. The Estate accounting has been prepared by [REDACTED] Chartered Accountant.

5. Further queries

- 5.1 Item numbered 2: we do not hold records for the [REDACTED]
- 5.2 Item numbered 5: [REDACTED] Limited was an Isle of Man Company which sold UK property in the 1990s. It was dissolved in 2010. All proceeds of sale have been accounted for in the Estate accounts.
- 5.3 Item numbered 5: We are not aware of the relevance of [REDACTED] to the Estate. Please explain this reference.

Yours faithfully

[REDACTED]

9. [redacted] email to Jordan May 17th 2021.

[redacted] is now Executor of the estates.

[redacted] have been made aware of our request and it is confirmed we are not shareholders of [redacted] why [redacted] can not just give accounts surely the accounts will be the same as [redacted] accounts from [redacted]

From: [redacted]
Sent: 17 May 2021 17:37
To: [redacted]
Cc: [redacted]
Subject: FW: [redacted] accounts requested again

Dear Jordan

Further to your email below and telephone messages left, we have made contact with [redacted] who as you are aware act for the executors of the estate of Mrs [redacted]. We have advised them of your request as we are not in a position ourselves to provide any information to you - we can only provide such information to the shareholder.

We understand that necessary steps are being taken for an application to court with the ultimate goal to enable distributions to be made to the relevant family beneficiaries.

Best regards

[redacted]

Conclusion of the fake accounting and fraudulent statements by [redacted] and [redacted]

The Manx Mafia which have been trained by [redacted] for decades namely all his staff like [redacted] [redacted] and now the firm [redacted] who have never been involved historically even though the firm has

merged with [REDACTED] and co on Oct 19th and [REDACTED] and himself worked on the estates for decades.

Mr [REDACTED] has made so many fraudulent statements over the decades and the majority of the staff at [REDACTED] have either worked with Mr [REDACTED] on these crimes or have been consultants for him over the years like [REDACTED]. Why can [REDACTED] not give the same accounts that [REDACTED] would show the Durante family ?

The reason they are made up the Durante family are not even shareholders of [REDACTED] or [REDACTED] so they would not be the same.

[REDACTED] comments re [REDACTED] and she is satisfied that the estates were not affected, she removes [REDACTED] from theft from all shareholders of [REDACTED], stating that [REDACTED] was never historically involved in the estates of [REDACTED] he was a consultant for [REDACTED] and co where she was a manger, the numerous signatures by [REDACTED] confirming monies have been handed out to the correct members ie Shareholders of [REDACTED] nominees, [REDACTED] Secretaries [REDACTED] nominees and Secretaries many other companies could be mentioned, producing fake accounts, the statements from [REDACTED] re Mr [REDACTED] status is funny he can change from a personal rep or executor or trustee overnight by [REDACTED] hand.

[REDACTED] and all lawyers from [REDACTED] and co now [REDACTED] will make any comment necessary to stop the joint frauds being uncovered as they are historically involved.

Any accounts they produce will be by a Manx Mafia member aiding to cover up his own historical frauds, his name is [REDACTED] his file is below in the dossier.

My next email will follow and explain more allegations and the fellow conspirators actions.

Thanks all

Kind regards

Jordan Durante

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: 21 April 2022 12:23
To: [REDACTED]
Cc: [REDACTED]
Subject: Complaint

Dear Mr Durante

Further to our telephone conversation this morning, I have advised you that the Isle of Man Law Society only regulates its own members and can, therefore, only deal with complaints against Advocates or their Firms.

You have indicated that you have a complaint against [REDACTED], Mr [REDACTED] and Ms [REDACTED] of that Firm, for making reckless and fraudulent statements to you in multiple correspondence. Should you wish to bring a complaint, in this regard, you may do so using the Complaints Process of the Isle of Man Law Society, and I provide a link to the relevant part of our website to assist. <https://iomlawsociety.co.im/rules/complaints/> Alternatively, you may bring a complaint to the Advocates Disciplinary Tribunal and I have also provided a link to their website to assist. <https://courts.im/court-procedures/tribunals-service/tribunals/>

You indicated that you also have a complaint against Mr [REDACTED], however, as he is not a Manx Advocate you would have to bring your complaint in England via the SRA or the Legal Services Ombudsman.

I confirmed to you that, as your case continues before the High Court of Justice of the Isle of Man, you are under no time pressure to issue your complaint and you may do so once your case has concluded.

Unfortunately, we are unable to assist you with your complaints against [REDACTED] and others, and you will need to take these up with either the Isle of Man Financial Supervision Authority or the ACCA.

I understand your frustration with your lack of progress to date, and wish you well with your case. Should you need any further information, please do not hesitate to contact me.

Kind regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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No contracts may be concluded for or on behalf of [Redacted] or clients of [Redacted] by e-mail unless expressly stated to the contrary.

[REDACTED]

From: [REDACTED]
Sent: 25 April 2022 10:18
To: DHA, Legal Review
Subject: Re: List of S.A.R. Seekers!

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Thank you for your interest and review of DHSC handling of perpetual requests for 14 years.

I have Neurologist, G.P., Mental health documents, for both myself and wife , relating to treatment and Doctor's notes from 2012....citing 'Very Stressed due to Government Denial of Emails'

I was a member of Unite the Union, who supported me for 5 years....but lost interest when they were informed,after their lawyers (2 separate Companies) requested and attempted to access 'SAR's...told nothing on system!

Recently recovered, with old documentation i have amassed,.....letter from Hospital stating Manager recalled Email correspondence from 2010....2 years after G.P.s notes had noted , communication denied.

I have kept folder of such related material, in hope truth would come out eventually.

Once again, sincere thanks for interest questioning SAR policy and divulging records. Can appreciate that others have been through same Anxiety and Stress, caused by system.

I will not contact in future, as believe i have 'cluttered your Inbox' sufficiently, but again accept my sincere gratitude for your efforts.

Kindest Regards,

[REDACTED]

On 25/04/2022 08:47, DHA, Legal Review wrote:

> Dear [REDACTED],

>

> Thank you for your email and the information you provided.

>

> Your contribution will be passed on to Lord Garnier for consideration as part of his review of Legal Services in the Isle of Man.

>

> Kind regards,

>


> Department of Home Affairs, Legal Review Inbox

>

> -----Original Message-----

> From: [REDACTED]

> Sent: 23 April 2022 23:29

> To: DHA, Legal Review <LegalReview@gov.im>
> Subject: List of S.A.R. Seekers!
>
> Caution: This email is from an external sender. Please take care before opening any attachments or following any links.
>
> Plus my own!
>
> Not sure if relevant?
>
> 
>
> (More instigated and sought , more revealed)
>
>
> Isle of Man. Giving you freedom to flourish
>
>
> WARNING: This email message and any files transmitted with it are confidential and may be subject to legal privilege. You must not copy or deliver it to any other person or use the contents in any unauthorised manner without the express permission of the sender. If you are not the intended addressee of this e-mail, please delete it and notify the sender as soon as possible.
>
> No employee or agent is authorised to conclude any binding agreement on behalf of any of the Departments or Statutory Boards of the Isle of Man Government with any party by e-mail without express written confirmation by a Manager of the relevant Department or Statutory Board.
>
> RAAUE: S'preevaadjagh yn çhaghteraght post-l shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er agh erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha Leah as oddys shiu.
>
> Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheyenn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruit leayr veih Reireyder y Rheyenn ny Boayrd Slattyssagh t'eh bentyn rish.

[REDACTED]

From: [REDACTED]
Sent: 12 May 2022 20:05
To: DHA, Legal Review
Subject: Subject Access Requests Review

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Hello.

Again not sure if relevant, but in 2019/20...i had my last meeting with [REDACTED] (Information Commissioner) about missing data.

He advised that i should express interest in Gov. separate server, as Gov mail involved another server in processing mails....and that if Gov. recipient did not delete mails (Sent or Received) within 24 hours, they would remain stored and accessible .

In my 14/15th attempt to find correspondence, what i considered to the 'Penultimate' communication that i had been seeking, was unearthed mentioning a Human Resource Manager from Hospital Manager.....and i responded, not being able to find!

When i requested what Mr. [REDACTED] had advised, was told i had exhausted all means of retrieval and subsequently nothing left to reveal.!.....But i know that i responded to this, and received response!

Kind regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 24 May 2022 10:11
To: DHA, Legal Review
Subject: [REDACTED] 2012

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

----- Forwarded Message -----

Subject: Employment situation
Date: Wed, 7 Mar 2012 13:41:34 +0000
From: [REDACTED]
To: [REDACTED]

Dear [REDACTED],

Following your meeting with the [REDACTED], he asked me to look into matters for you to see if he might be able to assist in finding out where things are up to.

Since then, I have spoken to the [REDACTED] at [REDACTED], [REDACTED] and the HR Section at the Department of Health.

It would seem that where the matter currently stands is that [REDACTED] wrote to the Department of Health on 2nd February in respect of obtaining further documents from them in respect of your complaint. The Department have received this letter and are gathering the required documents for release to her - they have 42 days in which to do this, but I understand that they will be inside this time limit. [REDACTED], understandably, wasn't able to talk in detail to me about the matter and how it might go forward for reasons of confidentiality but she did advise that she would keep in close contact with you and that if you have any questions concerning the matter then you should contact her as your advocate as, being legally qualified, she is in the best position to advise you.

The Department of Health were not aware of any outstanding formal complaint made by yourself against them other than the matter upon which [REDACTED] is acting on your behalf with which, as stated above, they are assisting with.

Mr [REDACTED] has said that he would be happy to meet with you to discuss the matter, if you felt this might help.

You will understand, I am sure, that the [REDACTED], is not legally qualified and is therefore unable to assist you in respect of advising as to how to progress this matter, but please do contact me if you think there is anything further way in which we might assist.

Yours sincerely,

[REDACTED]

[REDACTED]

please don't print this e-mail unless you really need to

Isle of Man. Giving you freedom to flourish

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RAAUE: S'preevaadjagh yn çhaghteraght post-I shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-I shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-I er son Rheyynn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruiit leayr veih Reireyder y Rheyynn ny Boayrd Slattyssagh t'eh bentyn rish.

[REDACTED]

From: [REDACTED]
Sent: 24 May 2022 15:45
To: DHA, Legal Review
Subject: Fwd: FW: [REDACTED]

Categories: Blue Category

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More evidence of Government Failure

----- Forwarded Message -----

Subject:FW: [REDACTED]
Date:Mon, 3 Dec 2012 09:50:12 +0000
From [REDACTED]

[REDACTED]

Dear [REDACTED]

Thank you for your email. I have discussed this matter with the Office of Human Resources and Nobles Hospital and have been informed that a good number of emails have already been sent to your advocate [REDACTED].

The Government's Information Systems Department (who are independent to our department) have trawled through all the electronic files containing correspondence between you and [REDACTED] and these were sent to your advocate .

Regards

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 28 November 2012 19:00
To: [REDACTED]
Subject: [REDACTED]

Dear [REDACTED]

I have been advised by [REDACTED] to contact you regarding Hospital matters.

Since 2006, i have been diagnosed with Multiple Sclerosis and the week after, had my two daughters brought to my door by Social Services , due to fact my ex-wife had been allowing her partners to sexually interfere with girls.

To describe my situation as extraordinary and delicate is an understatement, views expressed by my employers at time.

My case is currently with [REDACTED], who are [REDACTED] and progressing very slowly (unlike my illness).

[REDACTED] had asked, an I.T. specialist to investigate my dilemma on computers of [REDACTED]. The purpose was to retrieve any correspondence between [REDACTED] and myself from 2006-2008, in which assurances were given.

Word came back that no mails were on system and therefore according to hospital, do not exist!!

I have a letter from hospital dated Nov. '08, in which [REDACTED] admits having personal exchange of mails to me!

As previously stated, [REDACTED] has recommended your intervention to deal with dishonest hospital sources.

[REDACTED] is aware of my predicament and knows that my fifth potential Christmas without finances is looming. Ill health pension along with incapacity benefit amounts to £800 a month and having mortgage this will shortly result in selling our home.

Your assistance is sincerely appreciated and my family's situation, being around this mess for five years is paramount to me.

Therefore the conclusion and admittance of wrong handling of my case by the hospital is my sincerest wish for my family before Christmas.

Thank you,
[REDACTED]

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Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheyynn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruit leayr veih Reireyder y Rheyynn ny Boayrd Slattyssagh t'eh bentyn rish.

[REDACTED]

From: [REDACTED]
Sent: 28 May 2022 15:46
To: DHA, Legal Review
Subject: Fwd: RE: FW: [REDACTED]

Categories: Blue Category

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----- Forwarded Message -----

Subject: RE: FW: [REDACTED]
Date: Mon, 3 Dec 2012 17:24:23 +0000
From: [REDACTED]

Sent on behalf of [REDACTED]

Dear [REDACTED]

Thank you for your e-mail correspondence today.

As stated in my previous e-mail the Department have complied with the request and this information has been forwarded to your advocate [REDACTED] and there is no further action we are able to take.

Regards.

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 03 December 2012 15:35
To: [REDACTED]
Subject: Re: FW: [REDACTED]

Dear [REDACTED].

I omitted from my previous communication this morning, that Human Resources and hospital have repeatedly denied any personal correspondence between myself and [REDACTED].

This statement is, as I stated covering up the truth, which [REDACTED] admitted to 4 years ago in letter to me.

Of all the various mails concerning myself that the Hospital never met with legal deadline of thirty days, another matter of their hesitation to which the law had been dismissed, not one has been recovered between myself and [REDACTED] to date!

As this concerns about half a dozen mails, surely something has been found.!

██████████ recollected this communication but it still fails to appear!

Thank you for time and sorry other agencies are content to waste peoples time.

██████████

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Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheyenn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruit leayr veih Reireyder y Rheyenn ny Boayrd Slattyssagh t'eh bentyn rish.

13-Nov-2012

Externally entered [redacted]
Duration: 0 mins Travel time: 0 mins

Additional

EMIS attachment reference code [redacted] sick note request

19-Jul-2012

Externally Entered [redacted]

Duration: 0 mins Travel time: 0 mins

Additional

EMIS attachment reference code [redacted] neurology clinic

09-May-2012

Main Surgery [redacted]

Duration: 0 mins Travel time: 0 mins

Problem

very very stressed as hospital denying e-mails were sent



Printed 12:42pm 24-Jul-2020

Confidential NHS Information - Includes sensitive or personal patient data

Page 16 of 16

Thursday, 29 October 2009

To whom it may concern

Regarding: [redacted]

Mr [redacted] first consulted me on 10/10/08 with problems related to a dispute with his employer. He was anxious and upset and felt unable to go to work because of the level of stress that he was experiencing. I have seen him regularly since and there has been no resolution and no change to how he feels so I have therefore continued to sign him off work with work related stress.

Kind Regards

[redacted signature block]

stresses which can
relapse.

Clearly [redacted] has been under significant stress in relation to his employment situation over the last 2-3 years which has certainly affected his mood or motivation and energy levels. All of this has adversely impacted on his multiple sclerosis and how he copes with it day to day.

Yours faithfully
[redacted]

logist



Isle of Man
Government
Keeilleya Ayns Bannan



HEALTH SERVICES

Shirveishyn Slaynt

DEPARTMENT OF HEALTH & SOCIAL SECURITY

NOBLE'S HOSPITAL
STRANG, DOUGLAS
ISLE OF MAN
IM4 4RJ
Telephone : 01624 650000

Our Ref : [REDACTED]
Letter typed on : 1 July 2010

TO WHOM IT MAY CONCERN

Re: Mr [REDACTED]

This is to confirm the above named is a patient under my care with clinically definite multiple sclerosis.

There is no doubt that patient's with multiple sclerosis struggle to cope with life stresses which can on occasion adversely affect disease course and precipitate relapse.

Clearly [REDACTED] has been under significant stress in relation to his employment situation over the last 2-3 years which has certainly affected his mood or motivation and energy levels. All of this has adversely impacted on his multiple sclerosis and how he copes with it day to day.

Yours faithfully,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 22 June 2022 14:58
To: DHA, Legal Review
Subject: [REDACTED]

Categories: Blue Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear [REDACTED],

Thank you for your email and for

My office postal address is:



If you do send anything by post,
because I only call into the office

You explained your case carefully
see anything within my remit which
the subject of the Information Commission
email correspondence with the Commission
excluded from my jurisdiction by
Administration 2011 as -

(h) action taken in respect of
superannuation of staff or other matters

Thank you for explaining matters

Kind regards

diagnosed with multiple sclerosis in July 2006

ex-wife befriended paedophile , who sexually interfered with daughters, so a month later brought to me to live with ,(aged 11 and 6)

life froze in 2008

Life chaotic for several months-

Assured full pay whilst representing Girls in Court, as Legal Aid Denied. Shortly afterwards, Management denied.

Told to keep to myself and not divulge to work colleges, doctor or Occupational Health (Who i saw weekly)

Took girls away for holiday , on our return called into Line Managers office to be informed, assurances changed and new contract of employment changing in 2 weeks!

Life challenging enough when confronted by illness, children being abused....but when employed by Health Services....Understanding and compassionate for a period, then followed by denial:

housing matters,inability to meet mortgage.

Isle of man bank dept collectors involved

Salvation army paying electricity

friends paying utilitie/telecom bills

sold cars

eight years,everyweek selling record collection (over 3000 in total)

House put on market

years of medication anti-depressants/pain killers

met mhks,ministers,health mimisters,cheif ministers , Lieutenant governor..S.A.R.'s (subject access requests), sought by and funded by Lawyers', Unite Union,

MHK'S, 3 Health Ministers, 3 Cheif Ministers etc.....all returned negative!

Information commissioner,Ombudsman,Chief secretary Mr [REDACTED]Same result!

opened case with strasbourg human rights

3 Grievances admitted...no response (1st in Oct.06)

letters from G.P.S, Neurologist warning treatment detrimental/ ignored

union involvement,

dropped after 5 years....took 13 years to expose

4 separate lawyers and Unite and MHK'S ...at least a dozen subject access

requests in total

Married 16 years,13 under cloud of denial

Food Bank reliance

finch hill gp documented in 2012 "very,very stressed due to government denial"

2021 - continual financial hardship for years, wife mentioned trial separationshe has already had breakdown

Been patient registered at finch hill since early 2000's.....all medical notes there, document prescribed medication;

Anti-depressants,pain killers,sleeping tablets and struggle with Alcohol.....due to Governmental treatment and subsident denial.

13 years, to unearth mails between Government Employer and myself.

██████████, Mental Health....last to be disgusted by treatment.

Want nothing , although wife and daughters put through hell and stood by my moods,anti-depressant addiction for 13 years,sleeping tablets,Alcohol

to point of wife having breakdowns with Anxiety, stress, cannot convey in words, but they are true casualties throughout years of lies/denial.

Inquiry into Legal Services in the Isle of Man.
23/05/2022

From [REDACTED], [REDACTED]
[REDACTED], [REDACTED]

To Lord Garnier.

Some observations of what I have seen, heard, and read of **past** Legal Matters in the Isle of Man. Clarity of Pleadings is not always being adhered to, certainly by a particular well known Advocate. The rules re Obfuscation of material facts are not being sufficiently adhered to. The accepted norms re. Filibustering are not being adhered to. Time limits for cases are being massively exceeded as a result of above. 3rd party evidence being given after summing up should not be allowed. See [REDACTED]. Judicial Decisions should be based on facts, not Inferences or unproven malicious allegations.

Legislation referring to matters of Adverse Possession should not be allowed to retrospectively alter **good title deeds made in good faith** according to the **law of the land at a previous date** by such land "legislation".

It cannot be the responsibility of an inheritor for Land held in Trust for a lifetime of a Trustee to ascertain all acts of possession previously unquestioned prior to the Trustee's death.

If legal title has been searched by a reputable Firm of Advocates and decided to be good in all legal requirements at the time of such search on behalf of a Client, then the Firm of Advocates should be capable of being held **responsible to the Client for the accuracy of its previous advice** and or **conveyances and or legal agreements/cases made by them** after concerning such Title and to **represent the Client regarding any future legal dispute** claim or consequences against that Title.

With respect to aforesaid, Deeds and their attached plans made with **no legitimate root to any property large or small parcel of land** and **without any contract of purchase** or easement from a prior Deed **secreted away in the Deeds Registry** should not hold any sway in a Court of Justice deciding on unproved physical, exclusive Possession and certainly should not be allowed to adversely affect such land Title/ownership of previously legitimately correctly made prior Deeds, legally made and registered **according to the Law standing at that date**.

In the [REDACTED] case the above happened in the case of a particular Advocate and Deemster. Land which had been inherited by me under trust in 1978 was **regularly used** by the Trustee and Title Holder owner (my son) and his father (myself), as was capable of proof, up to the date of the 2016 Court case mentioned, yet Adverse Possession was granted from a date over 60 years previous based on an illegitimate 1950 erroneous Deed Plan.

Whilst you may not wish to look at individual cases I put it to you that you cannot make truly meaningful deliberation without scrutiny and reading of some really bad examples of matters requiring change. There will be many other similarly affected citizens of this Isle. The whole [REDACTED] case and its roots requires detailed scrutiny having brought financial ruin to my son and his severely disabled family.

It should be noted that the particular Advocate in the [REDACTED] case above, tied up my own life savings by commencing another very questionable case **at approx the same time in 2016** against me and thus preventing my ability to aid my son financially in the [REDACTED] case and subsequent one sided Appeal. All the above points **certainly need addressing**.

Yours Sincerely,

E. K. Cleator, [REDACTED].

23rd May 2022.

[Redacted]

From: [Redacted]
Sent: 25 May 2022 17:40
To: DHA, Legal Review
Cc: [Redacted]
Subject: FW: CriminalJustice Review

Categories: Orange Category

For the attention of the Review

[Redacted]

[Redacted]

From: Brian Beattie [Redacted]
Sent: 23 May 2022 16:19
To: [Redacted]
Subject: FW: CriminalJustice Review

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Sent from [Mail](#) for Windows

From: [Brian Beattie](#)
Sent: 22 May 2022 20:40
To: [Redacted]
Subject: CriminalJustice Review

Dear Minister,

In response to the announced review of the practices and conduct of the Isle Of Man legal profession I wish my experiences of the considerations be included.
On the evening of August 17th 2005 two members of my family and myself left home in Ramsey to travel to Douglas to catch the evening ferry to Liverpool. My youngest daughter Laura Mae was driving her car giving her parents a lift

to catch the evening ferry to Liverpool, which should have been the start of a holiday for her parents, instead it became a nightmare which I still live with to this day.

In less than 10 minutes from leaving home my daughters car was struck head on by a car [REDACTED]. [REDACTED] As I understand it, the head on crash was caused by [REDACTED], who was attempting an overtaking maneuver of several cars [REDACTED]. My profound memory of the event is of a sudden flash in front of me and my seat belt locking across my chest then passing out, I hadn't even time to brace myself for the impact, which is an instinctive reaction if one realizes they are going to hit something, and my daughter never even attempted to brake which is also an instinctive reaction if one realizes an impact is imminent.

I also have another nightmare memory of consciousness, from when the emergency services removed the roof from my daughters car and were extracting me from the vehicle, I could hear my former wife screaming from the rear of the car, my wife was screaming, shouting, "get me out of here for gods sake get me out", I then glanced to my right and realized my daughter was dead slumped behind the steering wheel of her car, an image that haunts me every day.

The next weeks and months were an onerous time struggling to come to terms with what had happened, arranging our daughters funeral, my wife was in hospital until late December 2005 and the following months were spent attending hospital appointments both here and in the UK.

During the months after the initial crime I thought that the authorities dealing with the consequences of what had happened would see that justice would be done, how wrong I was. The events that followed that night in August were to become a lifelong sentence for my former wife and I, and leaving us both with a total sense of injustice, and we were left feeling as though we were the guilty party.

I phoned a lawyer in early January 2006 "Mr [REDACTED]" to seek legal advice regarding our rights and he told me over the phone to forget justice it doesn't exist, it's purely about money and nothing else. I was astonished at his words, and very distressed at his attitude, surely the existence of the criminal justice system is to endeavor to see that victims of crime receive a sense of justice and the recompense they're entitled

I attended a court sitting in early December 2005 to witness the appearance of Mr [REDACTED] in court to state his name address and receive a set of witness statements relating to his offense. Mr [REDACTED] was represented by a lawyer from [REDACTED] and I was shocked to hear [REDACTED] lawyer seek the courts approval for their client to be allowed to travel to Portugal with his family to spend Xmas and New Year at the family holiday home, at that time Mrs [REDACTED] was still in hospital and unable to get out of bed, no objection was given by the police prosecutor which I was utterly dismayed at, given the seriousness of his crime.

My elder daughter arranged for me to see a lawyer at [REDACTED] now [REDACTED]. The lawyer explained that Mrs [REDACTED] seatbelt issue would have no bearing on the legal proceedings. I raised my concerns on this matter as it was my view that Mrs [REDACTED] would have fastened her seatbelt. Hence you can imagine my anger when advised shortly before the case came to a conclusion that a plea deal had been agreed between the prosecution and [REDACTED] that Mrs [REDACTED] had been deemed guilty and culpable in the death of our daughter. I still to this day cannot come to terms as to how a plea deal claiming numerous factors, can be agreed upon behind closed doors without the victims having the right to challenge what is being claimed as fact. It still concerns me as to why the claim that Mrs [REDACTED] was not wearing a seatbelt was claimed right from the earliest moment, in fact it was one of the first things said to me when I recovered consciousness in Nobles Hospital.

Having reflected on this whole affair for several years on a virtual daily basis I have come to realize that the events of that tragic night in August 2005 were only going to culminate with a virtual acquittal for the defendant. His family's wealth and connections undoubtedly influenced the outcome. Mr [REDACTED] senior was a client of the [REDACTED] when the [REDACTED] was in private practice at [REDACTED], and given the speed of the matter being brought to court while myself and Mrs [REDACTED] were struggling to recover from the serious and life changing injuries we suffered and the loss of our daughter. When I learned of the claims being deemed against Mrs [REDACTED] I tried to speak with the state prosecutor, but he was unavailable, I also spoke with the law firm that my elder daughter had arranged to represent us with our personal injuries claim, but they declined to give us any advice on the matter or assist in any way, on reflection I would have thought it would have been a statutory duty for our legal representatives to ensure we were represented. I did state that my daughters car should be examined by an independent body to give an explanation on what other factors could be considered, but this was never progressed, it is my view that they never wanted to consider any other possibility, the plea deal was cut and dried, which would ensure [REDACTED] never received a custodial sentence.

The statements read out at [REDACTED] sentence hearing were in my mind a total fabrication of the truth, and more painful than the actual crime. Should you decide to look into this case and are able to read the mitigating statements presented at the sentence hearing, I'm sure you'd be shocked.

It is my view that no mitigating statements should be presented at a court sitting without a qualified written account of the reasons why, and the victims should have the right to challenge such statements

██████ was only charged with one offense, that of causing death by dangerous driving, there should also have been two further charges that of causing grievous bodily harm.

I have numerous questions that have never been answered to this day despite numerous attempts. An independent public inquiry would be the only correct way that might shed some light on what really happened over the preceding months and years after the unlawful killing of my daughter and the debilitating injuries to her parents. Justice should never be a commodity, the law of the land should be equal for all its citizens and the authority given to those in administering it should be mindful of their oath of office. It is blatantly obvious to me, through my experience, that those administering the due process gave little or no consideration for myself or Mrs ██████, especially given the vulnerable circumstances we found ourselves in.

The state prosecutor should have to keep victims of serious crime fully informed at the various stages of the considerations between defendant and prosecution

The right to compensation was an equally onerous process, the law firm did virtually nothing to process our claim until the strain between myself and Mrs ██████ became unbearable and I had to leave the marital home. It was only then that things began to move (4years after the death of our daughter) It took another 3 years of medical reports and assessments before an offer of compensation was made to myself after our divorce. I blame the ultimate cause of my divorce a direct result of the total failure of the Isle of Man criminal justice system.

The process of my personal injury's claim was equally distressing, after numerous medical examinations, I was told by the ██████ lawyer I needed to pay £4000 + for a specialist injury's lawyer to quantify my compensation claim, this turned out to be a waste of my money, as I was never given his calculations, I was simply told that if I did not accept the insurance companies offer the Deemster would rule in their favor and I would receive a bill for court costs of several thousand pounds.

To my mind the practice's the lawyers use are nothing short of criminal. I had reached the end of my endurance with the whole process and reluctantly agreed to proceed no further with the matter, as it was now more than 7 years since the whole thing had started.

I am now over 70yrs of age, I suffer constant chronic pain as a result of the injuries sustained in the car crash, and have not a lot of life left.

Until the considerations of the victims of crime are given equal status, the injustice felt by those who only receive injustice, the demands for victim support and mental health problems will only increase, because if you're an honest law abiding citizen and one is denied any opportunity to question or challenge allegations against them the effects of false statements have a lifelong effect. It is totally wrong for the criminal to have legal rights, but victims to have none.

I also question the police practice of interviewing me for a witness statement shortly after the event, my eyesight was seriously damaged due to the criminal act rendering me officially blind. I should have been advised to have a witness present to read through the statement after the officer had finished writing it up.

Yours sincerely
Mr. Brian Beattie
[Outlook for iOS](#)

(which, I obviously do not), I was not there even to be asked if I needed a payment schedule, should I have lost.

6. I informed the other side of this action by email, but was informed by Court staff, I also had to pay a fee for the Coroner to serve said Action. This makes both Advocate Firms as Officers of the Court, let's say, remiss, and would in certain jurisdictions, immediately invalid, as they did follow Court procedure.
7. This case is a matter of a miscarriage of justice potentially perpetrated by Officers of the Court. I suggest they should be held to at least the same standards as clients and laypeople, regarding, for example, informing the other side of Court cases, where they are involved, telling "the whole truth", and not overcharging fees.
8. I wrote to [REDACTED] and [REDACTED] as follows: "Dear [REDACTED], I was not even aware I had been taken to Court over costs, given that I rescinded my offer, which I wrote as an instruction to you [REDACTED], of £40,000, on finding out that [REDACTED] had not sent any Discovery documents whatsoever, so I don't know how the figure can be used in Court. I will make this email short. Firstly, I will take the unusual step of informing Deemster [REDACTED] of the fact that both he and I were unaware of this. It also means the Deemster was unaware of very salient facts when he made his determination, very salient as my Discovery Documents were first deemed inadequate and then excessive.
9. [REDACTED] documents weren't inadequate, they were non-existent, and we lost on inadequate or excessive Discovery, and the case was not heard in Court as my Counterclaim was struck-out. Anyway, our [REDACTED] recommended to me that any action on costs by [REDACTED] is halted until [REDACTED] review of the legal system is complete. That is why am asking that this Court Order be rescinded until said review is complete". END OF QUOTE.
10. Parenthetically, it is important to note that I paid the Plaintiff [REDACTED] immediately on receiving Your Honour's judgment, after the strikeout.

11. When Your Honour asked for each side to send their "Discovery" documents, we expeditiously sent our Discovery documents (6 lever-arch files). I repeatedly asked our Advocate to send me the other side's documents, to no avail. The reason I was slow in further making demands to receive said documents, is that on the 23/4/2019, I had a near-fatal accident on our property, involving our tractor. As a result, I was in and out of hospital for 6 months or so and had 6 operations including 3 skin transplants. As a result, I was unable to assist further with the case. Since then, I have had brain scans, heart scans (ongoing) and other health issues.
12. There was a hearing I could not attend, at which the other side claimed I had not sent sufficient details in our Discovery documents, and they once again asked for a strike out.
13. Although Your Honour gave about 2 weeks for me to provide more documents, I was not told until there were only a few days left to comply. Given my state of health, I had no choice, but to send every single written or electronic communication that I possessed and ask my advocates to sort the matter out.
- 14. I believe, in retrospect my Advocates should have asked for an extension to the deadline, given my circumstances.**
15. There was another hearing about 6 months later where my advocate said that it was merely a technical issue and that we were bound to win, and the details of the case would not be discussed. In addition, my Advocate seemed to be right, but the other side wanted a precedent set, by following the UK legal rules and Standards of Disclosure, which Your Honour accepted. I find that unfair, but certainly within your remit. However, what is good for the Goose is good for the Gander.
16. In the UK the laws were changed some time ago to facilitate clients to be recompensed for lawyer misconduct and excessive legal fees, and yet there is an attempt to charge me ridiculous fees of over £77,000 (on a £5,000 claim), whilst not having the redress one has in the UK.

17. I should also point out that in the UK your time to mount an Appeal is not determined by the time that has elapsed, *per se*, but the time when you first had knowledge of the malfeasance or negligence - an example is the only other legal case I had before moving to the IOM – Lillywhite & [REDACTED].
18. I can also confirm that **ALL** relevant documents were sent.
19. Also, the other side made claims about multiple contracts, but in this case there was only one – which I paid for in full.
20. However, we are not here to try the case, but my submission is that it should be properly tried in Court, which is partly why I am bringing this action.
21. However, by now, the other side were claiming I had sent **too many documents**.
22. The more I think about it, it is not possible – logically – for the other side to win on some criticism of my Discovery Documents, since they sent NONE. Logic beats everything and, if it applies, it must win – any laws in the world cannot override logic, unless one lives in a non-democratic state, which we don't.
23. Your Honour found against us, in circumstances where **you** and [REDACTED] and I were not in full possession of the facts and “**the whole truth**” had not been told.
24. The other side subsequently claimed £77,637.50 in costs (incidentally, not subtracting the costs against them after their first attempt at strike-out failed). I put it to the Court that the learned other side have really tried, and succeeded so far, in trying to avoid this case being properly tried in Court.
25. I ended up agreeing to pay £40,000 costs.
26. However, once I discovered that the other side had sent no Discovery documents, I informed my Advocate that I was withdrawing the offer of £40,000, because of my

discovery of the above facts. She said, I seemed to be criticising her Firm and therefore there was a "conflict of interest", and after my offer to pay £40,000 in costs and she would not be able to continue to represent us. Again, an assertion that is false. A complaint is not a conflict of interest, it is something to be investigated for its merit.

27. Albeit, I currently do not want to be represented by [REDACTED], I do not think it was legally correct for them to ask for a recusal, as they have no reason. I simply queried some of the actions they took, and if that is considered a complaint, it is nevertheless a complaint that needs to be considered, as to its merit, not a "conflict of interest", as described by [REDACTED]
[REDACTED]

28. I am now unable to take advice from other Advocacy firms as they all say that there is a conflict of interest! There is nowhere on the Island that I can get advice or even assign a new Advocate, and so Carole and I are here representing ourselves.

29. In summary I request that the order dated 2216 November be stayed due to the Court and the Defendants being misled by the statement produced by the Claimant concerning the amount of costs supposedly agreed, and other misleading statements at a previous hearing (not telling the whole truth -i.e. not informing the Court that they failed to provide ANY DISCOVERY DOCUMENTS.

30. If the Case is not re-opened then I seek a deferral of any decision on costs, until the Isle of Man review currently being carried out by the Isle of Man Minister of Justice, Jane Poole-Wilson, is completed, and if necessary, a Judicial review by HM Justice Department, regarding this miscarriage of Justice.

31. Thank you, Your Honour.

Dr Peter G Lillywhite

(which, I obviously do not), I was not there even to be asked if I needed a payment schedule, should I have lost.

6. I informed the other side of this action by email, but was informed by Court staff, I also had to pay a fee for the Coroner to serve said Action. This makes both Advocate Firms as Officers of the Court, let's say, remiss, and would in certain jurisdictions, immediately invalid, as they did follow Court procedure.
7. This case is a matter of a miscarriage of justice potentially perpetrated by Officers of the Court. I suggest they should be held to at least the same standards as clients and laypeople, regarding, for example, informing the other side of Court cases, where they are involved, telling "the whole truth", and not overcharging fees.
8. I wrote to [REDACTED] and [REDACTED] as follows: "Dear [REDACTED], I was not even aware I had been taken to Court over costs, given that I rescinded my offer, which I wrote as an instruction to you [REDACTED], of £40,000, on finding out that [REDACTED] had not sent any Discovery documents whatsoever, so I don't know how the figure can be used in Court. I will make this email short. Firstly, I will take the unusual step of informing Deemster [REDACTED] of the fact that both he and I were unaware of this. It also means the Deemster was unaware of very salient facts when he made his determination, very salient as my Discovery Documents were first deemed inadequate and then excessive.
9. [REDACTED] documents weren't inadequate, they were non-existent, and we lost on inadequate or excessive Discovery, and the case was not heard in Court as my Counterclaim was struck-out. Anyway, our [REDACTED] recommended to me that any action on costs by [REDACTED] is halted until [REDACTED] review of the legal system is complete. That is why am asking that this Court Order be rescinded until said review is complete". END OF QUOTE.
10. Parenthetically, it is important to note that I paid the Plaintiff [REDACTED] immediately on receiving Your Honour's judgment, after the strikeout.

11. When Your Honour asked for each side to send their "Discovery" documents, we expeditiously sent our Discovery documents (6 lever-arch files). I repeatedly asked our Advocate to send me the other side's documents, to no avail. The reason I was slow in further making demands to receive said documents, is that on the 23/4/2019, I had a near-fatal accident on our property, involving our tractor. As a result, I was in and out of hospital for 6 months or so and had 6 operations including 3 skin transplants. As a result, I was unable to assist further with the case. Since then, I have had brain scans, heart scans (on-going) and other health issues.
12. There was a hearing I could not attend, at which the other side claimed I had not sent sufficient details in our Discovery documents, and they once again asked for a strike out.
13. Although Your Honour gave about 2 weeks for me to provide more documents, I was not told until there were only a few days left to comply. Given my state of health, I had no choice, but to send every single written or electronic communication that I possessed and ask my advocates to sort the matter out.
- 14. I believe, in retrospect my Advocates should have asked for an extension to the deadline, given my circumstances.**
15. There was another hearing about 6 months later where my advocate said that it was merely a technical issue and that we were bound to win, and the details of the case would not be discussed. In addition, my Advocate seemed to be right, but the other side wanted a precedent set, by following the UK legal rules and Standards of Disclosure, which Your Honour accepted. I find that unfair, but certainly within your remit. However, what is good for the Goose is good for the Gander.
16. In the UK the laws were changed some time ago to facilitate clients to be recompensed for lawyer misconduct and excessive legal fees, and yet there is an attempt to charge me ridiculous fees of over £77,000 (on a £5,000 claim), whilst not having the redress one has in the UK.

17. I should also point out that in the UK your time to mount an Appeal is not determined by the time that has elapsed, *per se*, but the time when you first had knowledge of the malfeasance or negligence - an example is the only other legal case I had before moving to the IOM – [REDACTED] [REDACTED].
18. I can also confirm that **ALL** relevant documents were sent.
19. Also, the other side made claims about multiple contracts, but in this case there was only one – which I paid for in full.
20. However, we are not here to try the case, but my submission is that it should be properly tried in Court, which is partly why I am bringing this action.
21. However, by now, the other side were claiming I had sent **too many documents**.
22. The more I think about it, it is not possible – logically – for the other side to win on some criticism of my Discovery Documents, since they sent NONE. Logic beats everything and, if it applies, it must win – any laws in the world cannot override logic, unless one lives in a non-democratic state, which we don't.
23. Your Honour found against us, in circumstances where **you** and [REDACTED] and I were not in full possession of the facts and “**the whole truth**” had not been told.
24. The other side subsequently claimed £77,637.50 in costs (incidentally, not subtracting the costs against them after their first attempt at strike-out failed). I put it to the Court that the learned other side have really tried, and succeeded so far, in trying to avoid this case being properly tried in Court.
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discovery of the above facts. She said, I seemed to be criticising her Firm and therefore there was a "conflict of interest", and after my offer to pay £40,000 in costs and she would not be able to continue to represent us. Again, an assertion that is false. A complaint is not a conflict of interest, it is something to be investigated for its merit.

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[REDACTED]

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30. If the Case is not re-opened then I seek a deferral of any decision on costs, until the Isle of Man review currently being carried out by the Isle of Man Minister of Justice, Jane Poole-Wilson, is completed, and if necessary, a Judicial review by HM Justice Department, regarding this miscarriage of Justice.

31. Thank you, Your Honour.

[REDACTED]

[REDACTED]
[REDACTED]

SUBMISSION TO LORD GARNIER RE. REVIEW OF IOM LEGAL SERVICES 30/5/22

At the heart of the matter lie such serious flaws in the Manx Legal system that I am unable to obtain legal representation to pursue action for negligence and alleged collusion between two Isle of Man law firms who have failed to act in my best interests. The [REDACTED]
[REDACTED], are aware of this travesty (in my opinion).

What started out as a fairly “simple” civil dispute has escalated into a state of affairs in which I have been misled and ill advised by my solicitors [REDACTED] and, it seems, subjected to what appears to be collusion between them and [REDACTED], the opposing firm. The Case I refer to is [REDACTED]
[REDACTED]

In short:

1. The dispute arose, because I hired a Quantity Surveyor, who prepared a Bill Of Quantities for our new house at [REDACTED]. His quote sent on 13/2/2015 was for £5,525, and I accepted the contract on 17/2/2015. He also recommended just one contractor, [REDACTED], to build the project even though we thought we had had a reasonable tendering process, which was not the case as the tenders came in between £800,000 and £2million. We had since discovered that he was a friend of the Directors of [REDACTED]. The Bill of Quantities was create by him.
2. A few months later, he claimed he had spent extra time on the work and sent me a further bill for £5,000, which I refused to pay. Several years later on 6/4/2018, he put a claim in to the Small Claims Court, and I responded with a counterclaim, as when the builders started work, they discovered he had underestimated 2 critical elements and, as a result, caused further work and delays by a total of £58,587.73.
3. Because of the size of the counterclaim, the case was moved to a higher Court. [REDACTED] tried to argue that I could not use [REDACTED] bill of quantities to further my project, and the Deemster dismissed this as nonsense.
4. In early 2019, we won costs against the other side (whose advocate was [REDACTED]), when they attempted to get our counterclaim struck out. These costs were not sent to me as my Advocate said that they will be

included in any settlement, the sum was £11,000 and not everyone can afford to let £11,000 be out of pocket (I was still paying my own advocate fees at the time).

5. The Deemster then asked for each side to send their “Discovery” documents. We sent our Discovery documents (6 lever-arch files). I repeatedly asked our Advocate to send me the other side’s documents. My then Advocate would not tell me if there had been any documents from the other side.
6. On 23/4/2019, I had a near-fatal accident on our property, involving our tractor. As a result, I was in and out of hospital for 6 months or so and had 6 operations including 3 skin grafts. As a result, I was unable to assist with the case. This information was not sent to the court.
7. There was a hearing I could not attend, at which the other side claimed I had not sent sufficient details in our Discovery documents, and they once again asked for a strike out. Given my state of health, I simply sent every single written or electronic communication that I possessed and asked my advocates to sort the matter out.
8. There was another hearing about 6 months later where my advocate said that it was merely a technical issue and that we were bound to win, however, the details of the case would not be discussed. They were discussed and my advocate was not able to say whether certain Discovery documents had been sent, and the other side said I had sent too many documents and they subsequently claimed £77,637.50 in costs. The Deemster found against us and the case was lost without the Deemster hearing my own case.
9. In the hearing, the other side stated that the condition of our discovery papers were not to the standard expected in the UK courts, at this the Deemster agreed although he also stated that we do not have legislation that covers this. But he was prepared to make a new standard for the Isle of Man. My Advocate had said the Case would not be discussed in detail and this was a technical formality I shouldn’t worry about. Furthermore, when I complained to the Deemster about the lack of Discovery documents on the other side, he said that what was my problem as we had control over the documents.
10. My point here is: how can I lose a case on Discovery papers being inadequate when I did not receive any at all?
11. My advocate advised against an Appeal. Stating that this will increase costs to astronomical levels. I promptly paid the Plaintiff his monies, as he was not to blame for the way the legal case was handled.

12. The other side several months later sent their supersize costs claim to me. I pointed out to my advocate that they had not subtracted the costs awarded to us, but I was advised to pay it anyway, as it would “get it off my plate”. I said that made no sense. I have always instructed for these costs to be reviewed by the Courts, however this has continually been ignored by my advocate.
13. I was eventually persuaded to make an offer, and I offered £40,000, which my advocate advised me was insufficient. Interestingly, it was accepted by the other side. I began to be suspicious of what was going on, as it was only a little over half of what they claimed. What solicitor, who has won a case, really accepts halve the costs?
14. I was beginning to be able to do some work by now, and I realised I had never received many things I had requested, most importantly, the other side’s Discovery documents, so I attended [REDACTED] offices and demanded to see all the Discovery documents, now about 10 lever-arch files worth. My advocate commented there wasn’t much from the other side. She was not kidding – the other side HAD NOT SENT A SINGLE DISCOVERY DOCUMENT. My wife and I trawled through this mass of documents and eventually found hidden away a letter from my advocate, which had not been posted to us (probably hoping we didn’t find it in time, before paying the £40,000).
15. This letter said [REDACTED] had refused to co-operate with Discovery documents, once they started their 2nd attempt at strikeout – because of the false assertion that our Discovery documents were inadequate. My advocate said she agreed with them. This is absurd, as prior to that, both sides were instructed to send said documents, and yet my advocate didn’t point out to the Deemster or her clients that the other side’s documents were not inadequate, but **NON-EXISTENT**. I therefore, find, for this reason alone, but there are many others, that this is a clear case of miscarriage of justice that we lose a case, because of inadequacy or excessive discovery documents to the other party, who never sent **any** documents.
16. Consequently, our case failed on the disclosure element of the procedure and the actual case was not heard in court at all.

At this point, I informed my advocate that I was withdrawing the offer of £40,000, because of my discovery of the above facts. She said, I seemed to be criticising her Firm and therefore there was a “conflict of interest”, and she would not be able to continue to represent us. Again, an assertion that is false. A complaint is not a conflict of interest, it is something to be investigated for its merit.

We were previously advised not to appeal the decision and not to write to the Deemster about the case and the misinformation and glaring omissions, since admitted, in writing from our Advocate. I am now aware that there are two more tiers for appeal on cases that should have been given as an option, but there is a bigger issue.

We also had our Advocate appear in court without our knowledge to confirm that we had agreed to the costs being 77,000 plus. I at no time was asked by my Advocate on what my instructions were or that I would be represented by her in Court without my consent. The Deemster, when he held a hearing about payment of costs, stated that the legal system here allows for the Advocates to appear without redress to their clients. WRONG, SURELY?

I am unable to take advice from other Advocacy firms as they all say that there is a conflict of interest! There is nowhere on the Island that I can get advice or even assign a new Advocate. The injustice of my case, poor representation, lack of review or appeal taken and the way the defendant can just not cooperate is wrong, and goes against all the principles of fair, open, and equal justice for all.

I feel that I have been party to an actual “stitch up” between the two advocacy firms and that I have been failed by my own advocate who simply wants to wash her hands of my case. I appeal to you for some representation to the Ministry of Justice of the United Kingdom for my case to be heard and reviewed, with the aim of some changes in the oversight of the Manx legal profession, so that others do not suffer from the collusion between legal firms on the Isle of Man to protect themselves against the very clients they are supposed to be serving. Any recompense to us is secondary to resolving the parlous state of the legal system on the Isle of Man.

Summary

1. I believe this is a clear case of a grave miscarriage of justice.
2. My advocates gave ineffectual counsel, which started immediately after I was unable to help them construct the right arguments, having fallen very ill following a near-fatal accident.
3. I believe both Advocates on each side have committed perjury by not telling “the whole truth”.
4. The Plaintiff’s solicitors have charged about 8 times the amount my solicitors charged. It is overcharging on a grand scale.
5. No Isle of Man legal firm will advise me, even ones the Chief Minister suggested I should call. What sort of a legal system is that? Furthermore,

when I ring the Courts of Justice, I am told to get legal advice. That's called "Catch 22".

6. I was told by a staff member of the Courts of Justice, when I was asking for procedural advice (I know they are not allowed to give legal advice), that, although the Deemster had instructed the Plaintiffs' Advocates to go through "Standard Assessment", they simply sent me a bill inflated by £1,396.50 (since the final Hearing on January 14 this year), £610 of which, is printing "the final bill of costs", which I would have thought required pressing a button on a computer. He said that it was a common ploy, and I should negotiate. He also said that you can get advice on the internet in the UK regarding such procedural matters, but not on the Isle of Man. He was very helpful and honest. I am grateful for his attitude.
 - a. Most egregious, against my own Advocates (██████████), is that on 14/1/2020, ██████████ charged me £323 to inform ██████████ of "deficiencies in our list of documents". I was never informed of this, and anyway, had ██████████ told me this, I would not have sent every single document and email, whilst I was receiving life-saving treatment
 - b. ██████████ (the Plaintiff's Advocates) also charged for "Review Office Copy of Title ██████████", and "Deeds Registry Search re charges over ██████████ and "Companies Registry Search re ██████████, which is part Of ██████████ are both **irrelevant** to this case, as the BOQ in question relates solely to our private residence, ██████████, for which the Plaintiff prepared an inaccurate BOQ. I still paid him, but did not proceed to Stage 2 with him, which was for This was a deliberate attempt to obfuscate the matters at hand. It also means that ██████████ should never have been a party to this action, as the Deemster acknowledged in the last Hearing, and refusing my wife, ██████████ to speak, as her only credentials were as a fellow Director of ██████████
 - c. ██████████ hired a lot of expensive Consultants. Of course ██████████ insurance companies have a lot more resources than I.
 - d. They also charged me for £665 for preparing a costs schedule in 2020, and £2,232 for "skeleton argument" and another £182 on the same day.
 - e. I may be wrong, but I find £1,728 for "Application Notice and letter to Court", excessive, especially since on that day, the 17th November 2019 they charged a total of £3,122.50! Maybe, that is the most egregious over-charge,

- f. Yet another “Preparing costs schedule” for £665.
 - g. I could go on and can send you a copy of [REDACTED] Schedule of Costs, but I feel like, having been outspent by 7-8 times, whilst I was extremely ill, I have simply been outspent. I am just an individual.
7. My defence and counterclaim were never heard.
 8. No account was taken of my damaged health and inability to assist Counsel, I presume, because the Deemster was not made aware by my Advocates.
 9. The Plaintiff’s case was that, although his contract was for £5,250, he had spent longer on it than he expected. I had a similar case in the Small Claims Court, which was obviously rejected, but although this claim was also for £5,000, my counterclaim moved it to a higher Court, with ludicrous costs, I could not have imagined.
 10. I have had only 4 legal cases in my life, 3 on the Isle of Man. This is the first case I have “lost”, but for outrageous reasons I do not accept, and will fight on.
 11. I sent everything relevant to this case in my first Discovery Documents. The only relevant contract related to the construction of my new house. The Deemster determined that I could not confirm that I had sent the contracts regarding the refurbishment of my Manx Cottage. Three points: firstly, the Manx Cottage was irrelevant to the Bill of Quantities in question; secondly, the Plaintiff was not involved in that matter; thirdly I sent every document regarding all my building works to the Plaintiff’s Advocates.
 12. However, the Plaintiff addressed his claim to me – and also “[REDACTED]”, which is irrelevant to the case. In the last Hearing, the Deemster accepted that fact, and as a result refused to let my wife, [REDACTED] speak, as her presence was only legally relevant as my fellow Director in said enterprise that runs the nature reserve, we have created, and the Manx Cottage, which is rented out to ecotourists. A technical point, but relevant.
 - 13.
 14. Since I received no Discovery documents from the other side, how is it logically possible for my counterclaim to be struck-out?

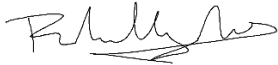
Notes for consideration:

1. I was subject to an earlier claim by an architect technician who also tried to charge me double the contract value, saying more work was done than the original contract stated. This went to the small claims court and whilst we had to pay a smaller amount to him, it was not

double the amount he was asking for. The Deemster at the time stated: "how could you underestimate by double the amount on the work you were proposing to do?" The work was of such poor quality that we did not continue with this person.

2. I also brought a claim in the small claims court about a builder who work was so shoddy that I refused to pay. I won and was awarded the equivalent of £10,000 as compensation (the maximum in the Small Claims Court).

Yours ever,

A handwritten signature in black ink, appearing to read 'P. Lillywhite', with a horizontal line underneath.A redacted area consisting of two solid black rectangular boxes, one above the other, obscuring contact information.

[REDACTED]

From: [REDACTED]
Sent: 30 May 2022 16:40
To: DHA, Legal Review
Cc: [REDACTED]
Subject: PRECHARGE BAIL NO TIME LIMIT ON THE ISLE OF MAN
Categories: Orange Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Lord Garnier QC,

I would like to you to review the way the IOM Police treat suspects on the Isle of Man.

At the moment there is no time frame on pre charge bail. My son has recently been on pre charge bail for 1 year and 2 weeks at the age of 17, in this time there was no re interviews or contact with the police apart from the bail being rolled over 4 times.

They have then waited until he was 18 and charged him so that he will have to be treated as an adult rather than a child. The bail was rolled over by a DC and a custody sergeant, it never went higher than that.

I have complained to the IOM police, however how can you complain to the police about the police?

I have had a meeting with [REDACTED] and explained to her as a family what we have been through and the fact that being in limbo is worse than the event. She has said she would raise the issue but there were more pressing issues so it could take time, and that she could see how the precharge bail was affecting me and advised me to seek help with The Samaritans!

I highlighted the fact that in the UK the Police must follow **Kays Law** details of the legislation below.

The Government will establish a neutral position within legislation, by removing the presumption against pre-charge bail. This is designed to encourage its use when necessary and proportionate to do so, based on each case's individual circumstances and the list of risk factors now set out in legislation. We will enable custody officers, who are independent of investigations, to authorise the first period of pre-

charge bail to a period of three months in standard police cases. Further extensions in these cases will require approval from an officer of the rank of Inspector or above to six months, and a Superintendent or above will need to authorise any extension to nine months. Judicial approval will then be sought to extend beyond nine months.

The Government will establish a neutral position within legislation, by removing the presumption against pre-charge bail. This is designed to encourage its use when necessary and proportionate to do so, based on each case's individual circumstances and the list of risk factors now set out in legislation. We will enable custody officers, who are independent of investigations, to authorise the first period of pre-charge bail to a period of three months in standard police cases. Further extensions in these cases will require approval from an officer of the rank of Inspector or above to six months, and a Superintendent or above will need to authorise any extension to nine months. Judicial approval will then be sought to extend beyond nine months.

I would like a review in changing the laws in the IOM to match Kays Law, as being on bail for such a lengthy time can have mental health implications. My son has suffered in this time with a big black cloud over his head. It is only because I have complained so much that he is now been given his chance to respond.

The manx police hold a lot of power due to the fact the current laws give them so much power, which is good, but not in the instance where a DC can just keep rolling over bail dates with no end in sight. I have spoken to advocates and they have told me it is a problem in the IOM. I have contacted the IOM Law Society and raised it with them also. If your review cannot help change the law to match Kay's Law my intention is to do the relevant paperwork and introduce it to Tynwald next year on 5th July.

I do hope you can help with this issue.

With kind regards

████████████████████

[Redacted]

From: Richard M Holmes [Redacted]
Sent: 30 May 2022 20:09
To: DHA, Legal Review
Cc: [Redacted]
Subject: Crown.Dependencies@justice.gov.uk
Isle of Man Legal Review
Categories: Orange Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Richard M Holmes

[Redacted]
[Redacted]
[Redacted]

25 May 2022

Lord Garnier QC
Isle of Man Legal Review
LegalReview@gov.im

Copy to:
[Redacted]
[Redacted]

[Redacted]
[Redacted]

Crown Dependencies Team
United Kingdom Ministry of Justice
Crown.Dependencies@justice.gov.uk

Dear Lord Garnier

RE: Isle of Man Legal Review

(1) Functional failures of the Isle of Man legal system
(2) Failure of the Isle of Man Government to ensure rule of law and good governance

I thank you for your input in reviewing the Isle of Man legal system. It is – and has been for some time – failing, dysfunctional and is, in its present form, moribund.

The opportunity in the world for a small jurisdiction that is fully integrated with the large, highly regarded and highly experienced legal system on the “adjacent isle” is hard to overstate. One of the main drawbacks of offshore jurisdictions is that with the local law also comes the local expensive lawyers, local poor governance, and local conflicts-of-interest. The recent British Virgin Islands Public Commission of Inquiry has highlighted this very clearly, uncovering corruption and other criminal activity, as well as highly inefficient local structures which might be good business for some but are bad value for the population and the clients alike.

The opportunity for the Isle of Man is to be a small and tax-efficient jurisdiction where all matters can be conducted, investigated, regulated, and appealed in the UK and in English courts. This will remove one of the biggest barriers to business on the Island, and it will allow the Island to serve a global client base with same level of trust enjoyed by London or the UK in general.

It will be a core advantage over all other offshore jurisdictions. It will stop the Island becoming a quaint backwater where the Queen looks much younger on the banknotes and systems are archaic and the civil and criminal legal systems are to any reasonable observer maladministered.

I speak from experience, having lived on the Island for some 20 years and recently having moved my company to London after one too many “Isn’t the Isle of Man corrupt?” questions about the corporate domicile.

My submissions are based on:

- My own experiences with the legal system, starting in 2005
- My digital forensics investigations

My Whistleblowers Report dated 29 October 2020 co-authored with six other whistleblowers

- Further systemic maladministration and obstruction of justice I have experienced since the issuance of the Report across the Isle of Man Constabulary, Department of Home Affairs and Justice, Police Complaints Commissioner, and Attorney General’s Chambers

I can confirm that I am not involved in proceedings that are sub judice.

I am attaching the Report which details the underlying cases and many of the deliberate failures of the Isle of Man legal system.

I am also attaching a one-page summary of a related precedent case for metadata which was suppressed by the Isle of Man Attorney General’s Chambers which clearly demonstrates how rules and investigations are dealt with differently based on who the parties are.

I am hereby requesting a meeting to provide you with further information on the failures of the legal system since the dated of the Report. [REDACTED] can confirm the seriousness of this further evidence as the most egregious matters concern, inter alia, the Department of Home

Affairs and Justice and the Isle of Man Constabulary which reports to the Department. I therefore feel uncomfortable in providing more information to an email address for which the Department is providing secretarial services, as it could result in the destruction of evidence, including evidence of the Department misleading the former Chief Minister.

My submissions concerning the causes of the Isle of Man legal system highlight several fundamental issues which need addressing. I am happy to provide documentary evidence on each matter. I make no unsubstantiated claims or exaggerations.

I shall summarise each in bullet points, as well as list some easily implemented reform recommendations.

(1) Conflicts of interest

Issues

- Conflict-of-interest statements are never provided or filed, despite requests. I am yet to see one.
- When conflicts-of-interest are discovered, the conflicted parties then state “you should have pointed it out earlier” or “this is a small jurisdiction, conflicts are bound to arise”.

Recommendations

- All court cases, crime reports, tribunal cases, commissioner reports, etc., should always start by the authority providing a full conflict-of-interest statement concerning all involved parties, including advocates and advisers.
- Conflict-of-interest statement should be signed as a statement of truth.
- Any conflict-of-interest should allow either party to request immediate transfer of the case to England.

(2) An inability to go to the UK authorities

Issues

- The Isle of Man authorities do everything possible to keep cases on the Island, stopping any attempt for it to go to the UK.
- Several authorities are literally just duplicating the work of authorities in the UK – Information Commissioner, Police Complaints Commissioner, the Constabulary’s Financial and Cybercrime unit – which could be more easily performed by the more experienced UK authorities.
- This would save the Island money by outsourcing the work, and result in much better and well-founded decisions.

Recommendations

- Make use of UK authorities where possible to deal with matters.
- Allow either party in a case to request the matter is transferred to the UK, at any level.

(3) Attorney General's Chambers providing legal advice to all parts of Government

Issues

- This is one of the biggest issues. All parts of the Isle of Man Government seek advice from and/or through the Attorney General's Chambers and such advice is drafted by the AGC on behalf of each party. Unsurprisingly, the advice is always the same as the AGC will not state the advice given to the Government (such as a department) is incorrect when being asked for advice by another part of Government (such as a commissioner or other authority) which is dealing with a complaint about the first decision and underlying advice.
- The AGC provides legal advice to all: the department making the decision, to the boss of the department reviewing the decision, to the commissioner investigating the decision, to the ombudsman reviewing the decision, to the police investigating the decision, and to the AGC itself when deciding whether to prosecute.
- The AGC provides the legal advice without a name or reference, so it is likely that all the above is provided by one person who is very unlikely to change their legal advice.
- Sometimes the system simply just refers to other advice given in the same matters. I have been told that a police officer can't have forged a witness statement because the police officer obtained legal advice when dealing with the case previously. It is a non sequitur.
- A legal opinion or legal advice is supposed to set out the position in law. This should be signed by the AGC advocate involved and should be at least summarised with the references to law when referred to when addressing the complainant.
- There is literally no evidence provided to a complainant that the correct evidence or complaint was submitted, that the correct questions were asked, or that the correct person provided advice. The answer coming back is usually "we have sought advice from the AGC - and they say no", with any evidence that any of this took place at all.

Recommendations

- First legal advice can be sought from AGC. If the matter goes onwards or is appealed, I believe second legal advice must come from the UK and needs to deal clearly with the evidence provided.
- All evidence provided should be signed by the author so that the Government and population know who provides disingenuous legal opinions and advice.

(4) Failure of Departments and the AGC to disclose legal opinions due to legal privilege

Issues

- In our Whistleblowers Report case, the AGC and Constabulary sought a legal opinion from a UK barrister, albeit an expert in sexual offences rather than digital forensics. The complainants were not allowed to provide evidence, were not contacted by the barrister, and were not given the legal opinion.
- The legal opinion was merely summarised by the Constabulary as "insufficient evidence". That was it, two words.

- Evidence gathering was and is the task of the Constabulary. The two-word summary was therefore an indictment of the Constabulary's work rather than the prima facie evidence of the complainants.
- The Constabulary failed to request and therefore provide the digital forensics report commissioned by a complainant to the barrister.
- Subsequently, it was revealed by the Chief Minister and Government Technology Services that the Constabulary failed to request any evidence at all in terms of documents, backups, emails, and logs concerning the judgments with prima facie metadata evidence.
- It was also revealed that the Constabulary failed to request a report from their own digital forensics department. They had never looked at the documents or even knew about the case. (This was revealed by the fact that I applied for a job in the digital forensics department, and they knew nothing about my case, and confirmed they have the tools for Word document forensic analysis.)
- As it is, the legal opinion is iniquitous anyway, as set out in the one-page "Isle of Man precedent case on metadata" document attached.
- I very much doubt that "insufficient evidence" is a fair summary of the legal opinion on the prima facie cases.

Recommendations

- A legal opinion should deal with matters in such a way that the parties all agree with the issues and (hopefully) most of the conclusions.
- If indeed a legal opinion should need to be summarised, then this should be substantive and supported by an affidavit.

(5) Iniquitous legal opinions issued by the Attorney General's Chambers

Issues

- The Attorney General's Chambers is one of the biggest problems on the Isle of Man.
- The AGC provides legal opinions without requesting input, sharing the evidence or statements on which they are based, not sharing the actual legal opinion. "We have asked for a legal opinion and what we said to them (which we won't tell you) is right (which doesn't mean you are actually a lot more right)" is a good summary of each legal opinion as presented.
- This often ends in a "Have you or have you not stopped beating your wife" opinion which often fails to stand when tested (see [REDACTED]) or up to any scrutiny (see Whistleblowers Report attached).
- The legal opinions are not based on information in the knowledge of the AGC, such as in matters of metadata as attached.
- Further, the AGC acts for all of government, i.e. when you complain about one department with another department, they seek advice from the AGC again and possibly the very same person.

Recommendations

- AGC should not be allowed to provide more than one legal opinion. Such should be shared in full with the other party, assuming it is a clear matter.
- Subsequent legal opinion should be sought from the UK. Both parties should be able to provide evidence.

(6) Isle of Man Law Society collective insurance scheme and membership rules

Issues

- All advocates are part of the collective insurance scheme on the Isle of Man.
- This simply means that if a lawyer acts negligently and the insurance must pay out, then all lawyers face increased premiums.
- This is a major disincentive to act against rogue advocates and ensure proper compensation is paid.
- The lawyers acting for the Attorney General's Chambers also maintain Law Society membership (paid for by the AGC) and often return to private practice. This again creates a disincentive to firmly dealing with bad lawyers.
- No lawyers are seemingly ever barred from acting here, regardless of previous professional and/or personal conduct.

Recommendations

- There needs to be a clean slate and collective responsibility taken. All past issues should be settled, and the insurance pay out and the Law Society members pay the excess.
- The collective insurance should be abolished. Advocates should pay premiums according to their insurability. Bad advocates should not have artificially low premiums subsidised by other advocates.
- If this puts some of the advocates out of business, so be it.

(7) Isle of Man Courts creating Manx case law

Issues

- The Courts have spent the last years creating their own case law to which they refer to over and above tested English law cases.
- Some of these case law judgments are effectively "get out of jail free" cards.
- Effectively, the strange judgments in favour of connected parties are creating precedents that take the system further and further off course and will only be quashed when the JCPC deals with extraordinary appeals which is far too rare an occasion.
- The Manx judiciary ignore tested English case law in favour of their own or creating new case law.
- The cases of ██████████ are constantly referred to as case law. All these cases display prima facie metadata evidence of having been drafted/written/edited by the opposing party.

- These Manx case law judgments, inter alia, create case law which would be quashed by an English court when tested. In the Isle of Man some judgments refer to several of these judgments in one.
- Often Deemsters are in the self-congratulatory position of being able to cite their own previous judgments as case law.
- When Deemsters return to private practice, they or their firms are able to appear in Court and refer to case law they created as a Deemster.

Recommendations

- No Manx case. English case law should take precedent. It has been tested.
- All Appeal Court hearings should take place outside of the Isle of Man with judges unrelated to the case, the litigants, and the advocates.

(8) “Manx Advocate” closed shop

Issues

- English solicitors and barristers are barred from acting here and many Manx advocate won't even accept an English lawyer is representing a client here and therefore won't communicate at all, even in letters and emails.
- Finding an advocate to act in a negligence claim against a fellow Manx advocate is very difficult.

Recommendations

- All Manx advocates are trained in English law.
- All English lawyers and barristers should be able to act in Isle of Man. Upon request, any court hearing should be able to be heard in the UK.

(9) Permanent Isle of Man judges instead of being part of the Northwest circuit

Issues

- Judges here are known to and socially involved with the lawyers, often drawn from amongst their midst.

Recommendations

- Isle of Man should be part of the Northwest England circuit, allowing Manx judges to preside over English cases and English judges to act in the Isle of Man.
- This will give Isle of Man judges a much broader experience. It will also stop any judge needing to preside over cases where the parties are known to the judge.

(10) Deliberate and wilful failure to investigate

Issues

- The costs to the taxpayer for correspondence and failure to investigate far exceed the costs of getting the job done properly and independently in the UK.
- The cost to the economy is huge. Nobody wants to live in a place which as wilfully disregarded valid legal claims when they realise how the legal system here works or, more accurately, disfunctions.

Recommendations

- Decisions to not investigate crimes, judicial reviews, etc., should automatically allow the aggrieved party to see UK investigation.
- Parties should be given the opportunity to choose between UK and Isle of Man legal services, police, etc. The costs for UK investigation should be lower as the UK has more expertise, more case law and more reference cases.

(11) A small group of insiders on committees (“jobs for the boys”)

Issues

- Members of committees and regulatory bodies are drawn from a very small group of advocates, accountants, and civil servants.
- The granting of favours and turning a blind eye would appear to many to be endemic.

Recommendations

- All committees should be chaired by a professional from the UK with no connection to the Isle of Man.
- All positions should be limited to one term of three to five years maximum.
- One position per person per lifetime, no extensions, no multiple roles. This will stop people meeting again and being able to grant a favour years later.
- All committees should include at least one member of the public with a special remit to ensure no conflicts-of-interest takes place.

(12) Failure to keep electronic records properly, tampering with metadata

Issues

- All government and court computer systems are controlled by Government Technology Services (“GTS”), except for Isle of Man Constabulary emails which are controlled by the UK.

Recommendations

- All documents, emails, etc. stored by GTS should be backed up once a day to the UK system, ensuring that no deletions can take place.
- All electronic documents and communications should be retained for 20 years. The cost is negligible as it is all digital.

Conclusion

The Isle of Man needs a wholesale reform of the legal system, and a full UK Public Commission of Inquiry as has recently been held in the British Virgin Islands. A Public Commission of Inquiry will “reset” the system, deal with the past transgressions, change the “culture” (*to use current Chief Minister’s term*) of systemic maladministration which has infected the Island’s legal and regulatory oversight system like a cancer - a far more appropriate term which highlights the need for drastic treatment and intervention, as otherwise this is terminal.

I am looking forward to the opportunity to meet you.

Yours sincerely

Richard M Holmes

Brief Background

5. I had been running my own businesses since 1982. Prior to 2010 no complaints had ever been made against either myself or my son (“Jamie”) to any regulator.
6. At the height of the global recession 2007-2010 my company, Street Heritage Limited (“SHL”), ran by myself and Jamie (who had only just joined after obtaining a 1st class Hons. in Business Studies and later a Law Degree), was unable to sell its stock-in-trade ie residential property. The IMF described this period as “*the deepest global recession since the 1930’s*”. By consequence SHL was unable to pay its tax and despite proposals and installments the IoM Treasury issued a Statutory Demand for £182,929 in December 2009. The amount owing had never been in dispute, we just required a little time to discharge it by liquidating assets in the face of a frozen market and ‘broken’ banks. To contextualise, at the exact same time the IoMG wrote off £182,149 owed by Aer Arran [Irish Airline Company] to the IoMG as the IoM’s Chief Minister said in Tynwald “***it suited Aer Arran in their restructuring***”. Also an IoM hotel group, with an ex-Chief Minister on its board, received an “***unlawful loan***” (later legal UK counsel opinion) of £4.5m from the IoMG to clear their tax owed to the IoMG.
7. Upon receipt of the SD we made 4 proposals (including a series of post dated cheques, all of which were returned by Treasury un-presented) to reach agreement with Mr ██████ (██████), Deputy Assessor, who had care and conduct however all attempts were expressly rejected without reason or counter-proposals made. In January 2010 the Assessor issued a Winding-Up Petition with a hearing set for 24th February 2010 and we made *a further* 4 attempts, including personal security, but all again rejected as ‘*not good enough*’. However after trying for over a year we had finally reached agreement on 22nd February 2010 to sell a parcel of land to the IoMG for £560,000 to clear the tax and provide us with working capital. This was to ensure continued employment for ourselves and our workforce and assist the IoMG in meeting its social housing needs. The contracts for the agreed sale, which had been drawn up by us weeks before in anticipation, were hand delivered to the AG’s Chambers by 10am on 22nd so 2 days before.
8. On 12th February 2010 we appointed an Advocate, Mr ██████ (“██████”) to represent SHL as by now we had realised ██████/Treasury/IoMG had no interest in trying to reach any compromise whatsoever but arbitrarily intent on putting us out of business. Despite our warnings to him that winding-up SHL would be fruitless, due to a long leasehold investment, ██████ carried on regardless.
9. On the day before the Court hearing, 23rd February 2010, we finally reached an agreement with ██████ (albeit very reluctantly on his behalf but he knew by now the Court was likely to grant a 28 day adjournment to allow an Answer to be filed) that Mr ██████ (“██████”), ██████, would not oppose ██████ oral application to allow the conclusion of the land sale to the IoMG. ██████, a previous Advocate in private island practice, worked in the AG’s Chambers and was responsible for government acquisitions. ██████. In addition, both knew we would immediately transfer £70,000 to the Assessor once it was granted. Those funds were held independently and verified by the stake-holder to ██████ AM on 23rd who produced a later disclosed file-note immediately after the call to confirm the position. The balance would be deducted from the land sale.

10. Early PM on 23rd I personally spoke to [REDACTED] to fully inform him of the arrangements so he could be in no doubt and nothing was left to chance. As both [REDACTED] and [REDACTED] had already met/spoken/corresponded with [REDACTED] both knew we had representation. So that night Jamie and I (and our wealthy financial backers) were satisfied that everyone who needed to know knew.
11. As the advertising of the Winding-Up Petition had received widespread adverse publicity for us [REDACTED] told us to stay away from the Court. This was to try and reduce the erosion of confidence the unfavourable exposure was having across all our business interests within a small community as media were likely to be in attendance – which they were. Equally [REDACTED] said the hearing was *‘only a formality due to the prior agreement’*.
12. The hearing took place at 9.30am. For some inexplicable reason [REDACTED] thought it was at 10.00am. By the time he eventually turned up SHL had been wound up and when asked by the Deemster’s [Judge] Clerk if he should ask him to return to the Court to remedy what was clearly a miscarriage [REDACTED] said *‘best left where it was’*. Despite the Deemster mentioning during the hearing about the lack of appearance by SHL both [REDACTED] and [REDACTED], sat next to each other, said nothing and [REDACTED] replied ‘no’ to the Deemster’s specific questions about any proposals made when the only truthful answer was ‘yes’.
13. Despite [REDACTED] knowing [REDACTED] was misleading the Court he chose to say nothing despite also having Rights of Audience, given under the Act. A solvent company, as proven by the fact that there were very wealthy backers behind SHL, was then made insolvent and within a very small community in an instant my family and I lost *everything*, including our hard earned reputations.
14. The Treasury CFO, ([REDACTED]) offered only one name to the Court to be the liquidator of SHL [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. After SHL was put into liquidation the IoMG offered £85,000 less for the site.
15. [REDACTED]
[REDACTED]
16. A complaint against [REDACTED], that he had misled the Court, was made to the Advocates Disciplinary Tribunal (“ADT”) in April 2010. I attended an adversarial hearing where I had to represent myself and Jamie was denied entry and had to remain outside throughout. [REDACTED], an Advocate, was represented by the IoM AG, an Advocate, who cross-examined me in front of 3 Advocate panellists and 2 lay, who simply take their lead from the Advocates.
17. My complaint was upheld on 1st September 2010 but for them to conclude there was no loss they erroneously stated *“we appreciate that SHL was hopelessly insolvent”*. That’s despite they were not constituted or qualified to examine the point but instead came to that ‘conclusion’ purely based upon unsupported conjecture intended to mitigate. Therefore [REDACTED] received the lowest possible sanction ie *“In all the circumstances the Tribunal is satisfied that a reprimand is sufficient punishment and we so determine. **We would add the comment however that a reprimand in our view is the lowest penalty available to us, we do however share the Learned Attorney’s view that it is unfortunate there is no provision equivalent to an absolute or conditional discharge in***

other words we do not have the power for example to determine that an adverse finding is sufficient in itself, perhaps that matter might be considered for appropriate legislation.” [my emphasis]. [REDACTED].

18. So [REDACTED] failure to comply with Rule 19(1) of the Advocates’ Practice Rules 2001 ie: “19(1) *Advocates have an overriding duty to the Court to ensure, in the public interest, that the proper and efficient administration of justice is achieved; they must assist the Court in justice and must not deceive or knowingly or recklessly mislead the Court*” which led to catastrophic loss was only worthy of a reprimand. And only then because the rules would not allow for an absolute discharge, but they hoped that would change soon.
19. On 15th September 2010 we made a complaint to the ADT against [REDACTED]. Inter alia, the complaint consisted of the following self-evident actions:
 - (a) Acting negligently and in breach of his duty of care leading to life changing consequences;
 - (b) Failed under Rule 22 of the 1934 Companies (Winding Up) Rules to file a Notice to Appear that would have safeguarded our position;
 - (c) Failed to file an Affidavit in Opposition which would have been a reinforcer;
 - (d) Failed to advise us that, as provided under Section 166 of the Companies Act 1931, we could have applied to the Court ahead of the actual prescribed hearing for a stay thus potentially avoiding all the adverse publicity that accompanied his non-attendance. All this negative and widespread publicity undermined public confidence in a national music festival we were organising which was only 3 months away at this stage, leading to further loss;
 - (e) Failed to act in our best interests that when he eventually turned up he declined the Clerk’s invitation to ask the Deemster to return to Court, by which stage the Order had not been sealed. Instead he just asked the Clerk to pass on his apology (one he has never offered to us). To add further insult he later tried to blame us for giving him the wrong Court time as if it was our responsibility to manage him;
 - (f) Failed to advise us that after the winding up order being granted that under Section 194 of the Companies Act 1931, that he could have pursued a stay of the winding up immediately upon his late arrival in Court;
 - (g) Upon our instruction to him to get us back to where we were immediately before his negligence (although by now the plate was well and truly smashed) he advised we could *appeal* the decision so told him to do so without delay. On signing the forms he advised “*that is your stay*” – something else that proved to be false. However it soon transpired that he had pursued the wrong course and in fact should have made an application to *set aside*. [REDACTED] emailed him on 4th March 2010 informing him of this and [REDACTED] replied: “***Thank you this is certainly accepted in the spirit intended I am of course completely unfamiliar with the new rules of Court a position that is unlikely to change regards [REDACTED]*** Clearly identifying he did not have the faintest idea about the Rules of Court and therefore clearly unable to act in any client’s best interests etc. This just summed up [REDACTED] whole approach to his professional conduct – [REDACTED]
[REDACTED]
20. Nearly a year later, on 16th August 2011, a hearing was held to consider the above complaints. As Jamie was a joint Complainant on this occasion he was allowed access but the whole atmosphere

was unduly hostile and heavily adversarial. It soon became obvious that all 5 Advocates (including [REDACTED] and his counsel) were all on the same side and trying to intimidate us. So it came as no real surprise that on 6th September 2011 we received the ADT judgment concluding: “As therefore Mr Irving has not proved an allegation of misconduct *beyond reasonable doubt*, we dismiss the Complaint.” [my emphasis]

21. Why we, as lay people, were expected to prove them to beyond all reasonable doubt when we were not alleging criminality - but obvious total incompetence - dismayed us. As far as we understood our complaints were of a civil nature where the burden should be on the balance – the balance in this case was self-evident without a hearing (it could be argued that the facts in this complaint had already proven it to the criminal standard). I understand the ADT claim it should be to the highest (where it is easily allows them to conclude ‘not proven’ therefore hiding a multitude) because of the reputational impact it can have on one of their Advocates. The only safe conclusion therefore is they believe the victim of the Advocate’s wrongdoing has no right to one whatsoever.

22. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

23. A complaint against the IoM Treasury’s [REDACTED], in losing all the tax for the taxpayer through his irresponsible and reckless actions, could only be made to [REDACTED] Treasury colleague. The complaint was soon dismissed. The only rights of appeal was to the Treasury Minister, the same Minister who dismissed my direct appeals for commonsense to prevail (and rejected) one month before the fateful hearing.

24. The IoMG, through their Chief Secretary, refused to discuss any remedy for their employees’ wrongdoing.

25. The only agency that wanted to listen fairly and impartially was the IoM Constabulary. Their thorough investigations resulted in [REDACTED]. The case of [REDACTED] was dropped ahead of trial. [REDACTED]

[REDACTED] Shortly after the IoMG issued Directors Disqualification proceedings against us.

26. As stated above, the IoMLS operate a Master Insurance Policy where every single practitioner or practice obtains cover up to £2m and pays a weighted share of the premium to the IoMLS. However this means all practices become liable to increased premiums if someone is successful in a prof neg claim against any of their Members. Therefore this has precluded us from obtaining any local representation leading to us paying, inter alia, a large application fee (then annually thereafter) to seek an IoM Temporary Advocates Licences to obtain English representation. That costs us more as we have to pay travel and accommodation expenses for them to fly in and out sometimes simply for a CMC. Prior to the pandemic telephone or video appearances were frowned upon. In my opinion it is made as expensive and as difficult as possible to try and prevent victims obtaining any representation.

The following briefly sets out my opinion of what reforms are required:

IoMLS

- (a) The IoMLS uses the IoM Advocates Act to operate a cartel of restricting the number of Advocates on the island thus ensuring fees stay artificially high and at the same time permits dubious standards to exist. All a consequence of no competition combined with no effective or proper oversight and/or accountability.
- (b) Their own self-regulation, which is not fit for purpose, fails everyone apart from their own Members.
- (c) Advocates are governed by the Advocates Act 1979 IoM Advocates Practice Rules. Only a pdf copy is available on the IoMLS website and despite the document being 17 pages there is no ability to copy and paste any of the Rules (unlike the SRA) as they have been encrypted. This is a further intended barrier to prevent a lay person from making a complaint <https://iomlawsociety.co.im/wp-content/uploads/2019/09/5.1-Advocates-Practice-Rules-2001.pdf>
- (d) They block Conditional Fee Arrangements thus making the Manx citizens' access to justice very difficult and purposely very expensive and insular. This 'system' is not only grossly unfair but again undemocratic – purely by design.
- (e) They condone their Members taking conflicting instructions from clients on the same matter *"as it's a small jurisdiction"* thus 'consenting' to malpractice. [REDACTED]
[REDACTED]
[REDACTED] By this stage we realised there was no point in complaining as the system, as such, was heavily weighted in favour of the Advocate (as it is on ALL occasions regardless of who the Complainant may be).
- (f) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- (g) The Master Insurance Policy should be abolished and replaced with each practice arranging its own insurance allowing an Advocate to pursue a claim against another without it having a financial impact 'across the board'.
- (h) The IoMLS is archaic in its nature and conduct. It verges on the point of paranoia in its pursuit of ensuring the protection of its Members and is overzealous in its maintenance of the status quo which is incompatible with social equality.
- (i) Just as Manx Advocates have rights to the English Bar, English Solicitors should have automatic reciprocal rights.
- (j) All complaints against Advocates should be handled by a qualified person in the UK who is truly independent and free of any perception of bias and determined purely on the facts and not personalities.

(in [REDACTED] office where it was established [REDACTED] had no proper controls in place at all). That person had a *standard* costs award made against them whilst we were given an *indemnity*.
[REDACTED]

- (e) Jurists agree an independent and impartial judiciary is one free from external pressure and not controlled by the Executive/IoMG. This again is not reconcilable with the IoM. It follows, a IoM Judiciary with no security of tenure, appointed by the IoM Executive (ie the IoM Chief Minister, the President of the IoM Parliament and First Deemster), paid for by the IoM Executive/IoMG and which survives consequent to the IoM Executive/IoMG, is a judiciary that exists solely for the protection of the IoM Executive/IoMG. Perversely, when exercising a constitutional right to challenge actions/decisions adverse to the individuals rights made by the IoMG the cheque accompanying the Claim Form has to be made payable to the "IoMG".
- (f) The Venice Commission stated: ***"Impartial means that the judiciary is not - even in appearance - prejudiced as to the outcome of the case."***
- (g) In cases of litigants in person (usually a consequence of the high fees and/or actions of a bad Advocate) no allowance is given by the Deemster (usually a previous member of the IoMLS) as to their status. It stands to reason that if IoM litigants were successful against a Member of the IoMLS then it would become apparent that the costly services of a Manx Advocate would not always be required.
- (h) Complaints made against the IoM judiciary should not be handled by a member of the IoM Judiciary who shares the same address/office as the person that the complaint is made against, as is the case presently.

In conclusion

- 27. If an ability exists here to take a complaint further, either against the IoMG and/or IoMLS or even the IoM Constabulary, it can only be taken to a local person who has been a substantial benefactor from the 'closed shop' system all of their working life. Therefore they have a strong interest in maintaining the status quo. So by definition, in the absence of any independent and impartial Ombudsman, Audit Commissioner or any purposely constituted scrutiniser there will always exist every possibility that individuals wielding very significant power may skew the operation of democratic society. Therefore effective and rigorous checks and balances need to be in place to protect the rights of **everyone**.
- 28. Allan, Professor of Jurisprudence and Public Law, described the Rule of Law as ***"A crucial strand in the constitutional tapestry for the protection of liberty; it excludes arbitrary or discriminatory action by the powerful against the powerless by erecting the general law as a barrier between the two."***

Jonathan Frank Edward Irving
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

31 May 2022

**SUMISSION TO THE INDEPENDENT REVIEW OF LEGAL SERVICES IN THE
ISLE OF MAN 2022 BY PETER ALAN WILLERS, BARRISTER
(errors/omission amended 1/6/22)**

The following is my submission for your assistance in conducting your review and formulating your recommendations.

I am concerned to ensure that my submission is not edited by any Government official (as has recently been seen to have been done by certain Government officials in respect of vital reports submitted to the Government from its own experts) so, to check that you get all I say below unexpurgated by officialdom the Word count is 5337 for this entire document of 13 pages.

A personal experience of the operation of the legal system in Isle of Man from the perspective of an English Barrister from April 1986 to 2022

(A) By way of my personal background

(1) I attach my CV giving some indication of my work history.

(2) I grew up in a family building business and had become involved in law back in Cambridge in around 1967 when I was aged 22. With only 'O' levels, I worked for a firm of solicitors, as an assistant clerk, and first made good progress in learning the practicalities of carrying out conveyancing and probate work.

(3) The firm acted for the East Anglian Hospital Board and in that regard I became involved first in Discovery in a major building dispute the Board had with Mitchell Construction Company Limited over a new hospital in Peterborough, and then in the following arbitration.

(4) [REDACTED]
[REDACTED] The arbitration gave me my first taste of the Bar and I decided to try and qualify. I passed 3 'A' levels by correspondence course whilst working full-time and, being married with children, could only go to Cambridge University. I applied to Trinity Hall and was, after interview, offered a place, commencing in 1969. Following that, I took the Bar Finals course, next to Gray's Inn, and did my pupillage in 11, Kings Bench Walk, where one of my pupil masters was (then) Anthony May.

(5) In 1986 I moved to the Isle of Man to take up employment with a multi-millionaire (then £50+million) owner of a property development and investment company operating mainly in the North West of England whilst being based in the Isle of Man, purely for tax saving purposes.

(B) My initial experiences and local knowledge

(1) My new employer had to get a work permit for me – a bastion institution for the Isle of Man – a requirement allegedly in place to “protect” indigenous Manx

workers from “unfair” competition by offshore workers. It was immediately apparent to me, when I had been in the Isle of Man for a short while, that in fact, the work permit system essentially kept the Isle of Man white. Despite being adjacent to the North West of England hardly a coloured face was in sight and that is still – over 30 years later – largely the case. That ethos still permeates all aspects of all Manx institutions.

(2) When friends asked me *“What is it like working on the Isle of Man?”* my response was *“It’s a great place to live but (with a little bit of “tongue in cheek”) the only difference between the Isle of Man and a “Banana Republic” is that they don’t machine gun prisoners to death on Douglas beach every Saturday morning”* and basically, nothing has changed.

(3) It rapidly became apparent to me that certain well-known principles, such as “integrity”, “conflict of interest”, “vested interest”, “legal responsibility”, were either unknown or simply ignored or brushed over in business and public life as and when it suited.

(4) The standard excuse is still *“We are only a small jurisdiction”* as if that can excuse and justify any behaviour. For example, you can easily arrive at a situation where separate family members can be involved in distinctly different roles in the criminal and/or civil prosecution of the same individual causing obvious injustice.

(5) Another significant problem is the Government’s overwhelming desire and effort, come what may, to protect the Isle of Man’s reputation rather than admit that something has gone wrong.

(6) One way that the Government do this is by ignoring the many injustices that are created by this practice, first by using their legal might through the Attorney Generals Department (employing 10% of all advocates) to throw as much money as they can at any pursuit of complaints, so as to break Complainants’ resolve to get justice through the legal process.

(7) Secondly, this is coupled with the difficulty of Complainants getting representation through the Manx Bar (there being no win no fee allowed or, even if they could afford an advocate) since few advocates are willing to take on the Government and there are no Public Law practices either.

(8) Thirdly, such as by choosing not to recognise the legal obligations of, for example, directors in banking failures and allowing them to draw out their funds shortly before their Bank failure is publicly announced so as to avoid the adverse publicity of prosecuting those directors which, clearly, would blacken the Isle of Man reputation.

(9) Judges of Appeal

(i) I was told by [REDACTED], a Manxman, barrister and lecturer at King’s College, London, when he was giving advice to us on a plane

incident case on the Island, that it used to be the practice that the Judge of Appeal would come from the practitioner ranks and then after 5 years or so would be elevated direct to the UK Court of Appeal, without having first to become a High Court Judge in England. This practice solved the problem of *'becoming part of – rather than outwith – the small jurisdiction'* thus keeping the necessary separation from all that entails being part of *'the small jurisdiction'* Isle of Man culture.

(ii) The Judge of Appeal in 1986 was ██████████ QC of Byrom Street Chambers, Manchester. He was appointed in 1980. Regrettably the previous practice seemed to end with Deemster ██████████ who stayed on in office until 1997 – 17 years instead of around 5 years. At that time I recall in a case before him, personal to my employer, with him sitting with one other Manx Deemster (arising in circumstances I now cannot remember) I stated that as there were only two judges sitting and he was the sole Judge of Appeal, whatever the second judge found, if contrary to his view, it would be ignored.

(iii) The Judge of Appeal following ██████████ in 1997 was G ██████████ ██████████ QC, also of Byrom Street Chambers, Manchester, who stayed on in office until he retired in 2017 – 20 years instead of around 5 years.

(iv) The Judge of Appeal following ██████████ was ██████████ QC of 4, Pump Court Chambers, who had been coming to the Isle of Man as an acting Deemster since 1999 and was the first full-time Isle of Man Judge of Appeal. He was due to retire in 2022.

(v) As will be apparent, the Isle of Man judicial system had been effectively controlled by two Judges of appeal for some 37 years up to 2017 – hardly a recommendation for any just judicial system - probably as bad as the Supreme Court system in the USA.

(10) The use of English Barristers and solicitors

(i) In 1986 the Lieutenant Governor (NEVER A LAWYER) was the authority who gave permission for a litigant to bring in an English barrister to appear in the Manx Courts. This continued until the Advocates Act 1995 s17, gave that power to the High Court.

(ii) As a result it immediately became much harder – almost impossible other than in criminal cases – to get permission to instruct an English advocate. The Manx judiciary were and are clearly determined to keep total control to themselves which is plainly only of benefit to the local advocates, whose interests the Judiciary always put first – not the interest of the litigant or justice – which, clearly the judiciary should always put first.

(iii) Much reliance is placed on the, what they say is the large number of Manx advocates available – as of 15th March 2019 being 246 practising

advocates – all of which the judiciary say are available to any litigant. What is never quoted is, the number of advocates who actually do Court work – which is probably around 10% of that number – 24/5 advocates, a negligible number of lawyers for Court work on multiple legal disciplines. This disadvantages all litigants.

(iv) Another point about there being so few advocates who regularly practise before the same few judges, means that there is no genuine independence of representation for the sole benefit of the litigant. Those appearing advocates know that they are seeing the same judge yesterday, today, tomorrow, the next day, the next week or when ever and react accordingly – it is simply human nature. I do recognise that this is inevitable in a ‘*small jurisdiction*’ run in the way it is and hence the necessity for a “root and branch review’ and reform of all the existing judicial institutions.

(C) I now deal with (1) Conclusions and Recommendations of areas for your review PP2020/0191(1) (“CAR”) and (2) the Council of Minister Response GD 2021/0010 (“COM”) March 2021-13 pages

(1) I will first refer to the COM comments on CAR who say that the “*Manx legal system (“MLS”) “is in urgent need of reform”*. COM (p4) rely on the Clothier Report 1990 statement that it was – “*in the Island ‘s best interests to preserve the distinctive character of its legal system’*. With absolutely no knowledge of the actualities of either being a litigant under the MLS or the alleged “*distinctive character*” of the MLS, COM conclude: “*... this does not appear to be the case*” thereby immediately downplaying the necessity to look at the structure of the MLS and start with a ‘*clean sheet*’ for a ‘*root and branch review*’.

(2) COM do however conclude that – p5 – “*the scope of such an update review should include the areas identified by the CAR, but importantly, allow the update review to consider the provision of legal services on the Island in depth. The review should aim to determine the most appropriate approach the Island should consider in this regard.*”

(3) COM then respond to each of the 11 CAR **Conclusions and Recommendations**, separately, as follows:

(4) CAR 1 The Manx legal system is in urgent need of reform.

Despite what COM states in (2) above proposes an amendment reducing the review (p6) – “*that aspects of the MLS framework are in need of review*” though do not say what those “*aspects*” are but conclude “*that the COM is committed to ensuring that reform is considered and undertaken following such review.*”

(5) CAR 2 The training system for Manx advocates is out of date and insufficient.

COM agree (p6), relying on the Isle of Man Law Society (“IOMLS”) link it to CAR 3 below to which they respond much more extensively.

(6) CAR 3 The system for qualification should be brought into line with the qualification system in England and Wales.

(i) COM (p7) state, with no apparent evidence, that: *“The current system of qualification in the Isle of Man is rigorous and insures a consistently high standard for all those who wish to practice at the Manx Bar.”* which is a complete misnomer when 90% of those people who qualify only ever work in the same role as solicitors in England & Wales and never as barristers in court before the Judges.

(ii) COM also rely on the fact that Scotland, Northern Ireland, Jersey and Guernsey (three of which are not wholly common law jurisdictions) having such a CAR review at this moment in time which is, in any event, plainly irrelevant.

(iii) COM with no evidence whatsoever, state that the proposals, *“will lessen the quality of the Manx legal profession in general.”* COM (p8) expresses concern that *“any delay... will compromise the next intake of new Manx Advocates”* but, of course, there are bound to be transitional provisions required, so this concern is groundless.

(iv) COM finally *“directs the IOMLS “to revise its system for qualification to ensure there remains a clear path to qualification for Manx students and addresses the issue of a route to the Manx Bar without a legal degree.”* which, of course, can be easily accommodated.

(7) CAR 4 There should be a system of practicing certificates for Manx advocates and others practising on the Island.

(i) COM say (whether right or not – I do not know) that the driver for practising certificates was for practitioners to get insurance cover and that is not needed in the Isle of Man – presumably because there is a block policy through IOMLS which the only benefit for Manx Advocates is that it allows those poorly performing Manx advocates to continue in practice to the detriment of all litigants. It is self evident that no one should be in practice in law without an annually renewable confirmation of fitness to practice. The IOMLS block insurance policy covering all Manx advocates – whatever their actual individual insurability – needs to be abandoned and Manx practices and/or practitioners made to obtain their own insurance cover, without which they cannot practice.

(ii) COM link this with CAR 5, 6 and 7.

(iii) COM says (p9) it *“believes that the use of practising certificates as an alternative route to qualification to the Manx Bar is potentially problematic and is likely to prove difficult to implement in practice.”*

(iv) Clearly, this is only problematic for Manx Advocates since solicitors and barristers in England & Wales all have to have practising certificates.

(v) Granting a right of appearance should be a free administrative process for all common law qualified practitioners with a current practising certificate – not the upwards of £1,000 for application/appeal to appoint, requiring court submissions and judgments which are almost always lost.

(8) CAR 5 The process for re-qualifying as a Manx advocate for barristers and solicitors from other common law jurisdictions should be simplified.

(i) COM links this with CAR 4, and then describe the current entry system for off-shore practitioners to the Manx Bar, as “*relatively simple*” which is clearly bunkum (p9). COM omit to state that applicants have to, FIRST, obtain a work permit and then COM try to justify the applicant as SECONDLY, having to have 3 years experience (presumably after having already first qualified elsewhere and all that that entails) when Manx qualified advocates need no further qualification after their first, before representing a client in court or otherwise; THIRDLY, having to be articulated for a further 1 year and, FOURTHLY, having to pass yet another set of exams – by simply asserting, without any such supporting evidence, “*the many differences between Manx Law and other common law jurisdictions*” and go on to say that changing it “*may mean advocates practising in the Isle of Man who have relatively limited experience of Manx law*”.

(ii) In reality there are few differences between English law and Manx law – the main areas are in relation to land law, particularly agricultural land, bankruptcy, debt collection and that statute law usually runs behind English law though most laws are invariably based on past or existing English statute law. There used to be some differences in High Court Rules, though they used the White Book, but they largely disappeared in 2009 when new rules, largely based on the UK changes came into effect.

(iii) Certainly, during my 23 years employment with many cases before the Manx courts and some of which were high profile, there was never an occasion when indigenous Manx law ever played a part in anything that we did locally other than in relation to the function of the Coroner – debt collection – and the rituals around “fencing the Court” etc. In any event, of course, any practitioner submitting documents to the Court or appearing in Court in the Isle of Man or elsewhere always prepares and revisits the facts, the legislation and the applicable law before doing so.

(iv) Even if COM were right about indigenous Manx law (which they are not) it would be very easy to cut out cases requiring a unique Manx understanding (if such exists) of Manx indigenous law and also to produce a sensible and proportionate training and exam process in relation thereto, should any practitioner desire to undertake it.

(v) COM then try and pray in aid the “*dual nature of the Manx advocate who performs the role of solicitor and barrister should be considered. In*

particular the ability of advocates for a right of audience at a High Court, a right to which English and Welsh Solicitors are not automatically entitled.” which is correct but UK solicitors can qualify by way of assessment and, notably there is no mandatory training experience. Barristers are, of course trained expressly for the higher courts from the outset and solicitors are not.

(9) CAR 6 It should be possible for legal practitioners to be given automatic temporary licences, giving them right of audience in Isle of Man courts, if they are briefed by a Manx advocate.

(i) There is, currently, no need for a Manx advocate to brief a UK barrister if the Court has given permission for English Counsel. A litigant in person can do so. Therefore I disagree with CAR on this part as it creates a new, non-existent hurdle, which is totally unnecessary and a backward step.

(ii) COM express concern that the change (p10) “*would turn the Island into a circuit of the High Court in England and Wales and lead to advocates simply acting as solicitors*”. Of course, the fact is that at the Manx Bar – most advocates – 90% do act as solicitors only!

(iii) COM then try and introduce other reasons – “*There are additional complexities around regulation and insurance ... particularly where standards differ between jurisdictions. There are also questions which cannot easily be answered about who the regulator would be and what sanctions may be applied to those who did not meet the required standards of the IOMLS.*” These are just manufactured and non-problems.

(iii) As to insurance, no English practitioner can operate without insurance – it is only in the Isle of Man where there is block insurance, not individual insurance and that must change here to rid the public of incompetent advocates.

(iv) As to standards, there is no difference in standards and it is absurd to suggest that off-shore practitioners are of lower standard than the Manx Bar.

(v) As to the regulator, clearly that must be the regulator in the jurisdiction in which the practitioner was acting at the time and the local sanction would *inter alia* be that such practitioner would be disbarred from acting in that jurisdiction.

(vi) s.17 of the Advocates Act 1995 needs repealing. The only effect of that section was to remove off-shore representation from a wholly independent source to the Judiciary which was determined to and did keep representation in the hands of the Manx Bar in all but very few circumstances and damn the justice that a litigant was entitled to expect and which the Judiciary should have made every effort to support.

(vii) Again COM pray in aid the red herring of “*Manx law*” and endorse the built-in injustice “*that the First Deemster may refuse to grant a temporary licence to a legal practitioner if he believes a Manx Advocate has sufficient expertise and availability to act on the client’s behalf.*” thereby depriving a litigant – the sole object and supposed beneficiary of the judicial system – of an inherent right to be represented by the practitioner of his choice. What common law system in the world – other than the Isle of Man – has the judge currently dictating only who can represent a litigant in court?

(viii) As to COM relying on the First Deemster’s quote: “*we do now have an excellent selection of specialists in the Manx Bar who can deal with virtually every case. It is pretty rare that one cannot find, or a client cannot find, the specialism that is needed for a particular case*”, as Mandy Rice-Davies famously said: ‘Well he would, wouldn’t he’.

(10) CAR 7 Registered Legal Practitioners should be classed as Manx advocates with a restricted licence, based on demonstrable experience and expertise.

(i) COM link this with CAR 4, 5 and 6.

(ii) The current legal practitioners provisions should be abolished and they should be treated in the same way as other non-locally qualified practitioners will be after the review and changes recommended have been implemented.

(iii) Again COM pray in aid (p11) the red herring of “*Manx law*” though this time COM additionally describe it as “*a Manx law perspective*” which is made up and non-existent concept.

(iv) COM (and apparently CAR!) then make another statement: “*... legal professionals who practice in the Isle of Man, but who hold a qualification from another jurisdiction should be subject to more rigorous oversight.*” My only comment is, who do these people think they are to make such absurd value judgments?

(11) CAR 8 A system of Continuous Professional Development should be introduced.

COM (p12) agree.

(12) CAR 9 The Law Society should not be the representative body and the regulator.

COM agree.

(13) CAR 10 The disciplinary system for advocates should be reformed and in particular, the Advocates’ Disciplinary Tribunal in its current form should be abolished.

COM agree that reform is needed and in particular “*including increased transparency and the constitution of the Tribunal*”

Registry (all original documents relating to real property in the Isle of Man have to be filed and registered there) then refused to do anything about such unlawful registration.

(iv) During those proceedings my Employer had instructed one of the most senior advocates at the Manx Bar (who also was an Acting Deemster).

(v) One of the personnel employed by the senior advocate was a struck-off English solicitor (sent to prison for stealing from client) who did not need the UK Solicitors Regulation Authority permission to work for a lawyer in the Isle of Man (as he would have done in England). The IOMLS also do not have any procedure for this – only a work permit was required. In regard to costs recovery against me the senior advocate was able to claim, for the struck off solicitor, just £40 per hour less than his own hourly charge which the Manx Judge found “proportionate” whereas in England that allowable charge out rate would be no more than paralegal rate i.e. 60 to 70% less.

(vi) I applied, on at least two occasions, for English counsel to appear on my behalf but both were refused. The first occasion was in 2011 refusing the junior advising in the English case against me and, at the outset, when I was tied up in interlocutory disclosure disputes etc. The second occasion was when the case against my wife and I was Discontinued by my employer, leaving only my counterclaim to proceed when I applied for permission for the QC advising in the English case against me. Had the law not been changed, in favour of the Judiciary seizing this control, I have absolutely no doubt that the Lieutenant Governor would have given me permission to engage English Counsel, which I could have done at the time on a no win no fee basis.

(vii) Instead, apart from an appeal where I had negotiated if I won, that the costs recovered would satisfy the bill – which happened, and representation at the opening part of the trial by a local advocate, who I had been able to persuade to act for me – until when he became Solicitor General, I had no option but to appear on my own account in that and all the other 30 plus cases.

(2) Manx High Court Judgments – Third Party Metadata

(i) In 2020 I learnt of other litigants discovering third party involvement in the metadata of court judgments.

(ii) On having some of latest judgments examined it disclosed that I too, had been a victim of this. I raised it with the General Registry stating that in respect on 29/6/20 stating that 4 of my 2018 judgments: 15th June 2018; 31st July 2018; 31st July 2020 and 2nd October 2018 the metadata of those judgments indicated that they all appear to have been created by the secretary of the Respondents' Advocate.

(iii) An administrative officer of the Court Service responded stating: “... it is simply the case of unintended consequences of administrative practice. However, following the concern raised by another member of the public in a separate and following my enquiries leading me to the stated outcome a new practice was implemented and continues to avoid any future misunderstanding”.

(iv) There then followed a series of exchanges, with me raising a number of unanswered points which remain unanswered until on 2nd September 2020, the General Registry responded saying: “... the matter is now considered closed and I regret that we can now no longer enter into any further correspondence regarding this specific enquiry.”

(v) As will be apparent from sub-paragraphs (iii) and (iv), there has, been no proper forensic examination to properly explain my complaint – and clearly not in respect of other such complaints so the veracity of Manx Court judgments are still subject to severe doubt and this needs remedying by a full and proper enquiry.

(3) The English Proceedings

(i) In 2010 one of the wholly-owned companies, of which I was a director on behalf of my employer, then sued me in England claiming £1.7 million for breach of fiduciary duty. In relation to that I was able to obtain a largely no win no fee representation (solicitor and counsel) and it was those counsel – junior and later the QC that I had sought to obtain permission ((1) (vi) above) to appear in court for me, in the Isle of Man, since my employer/employee relationship was common to both the Isle of Man and the English litigation.

(ii) Those proceedings, after multiple Court hearings – some with at least 5 QCs/juniors – were discontinued, but there then followed extensive costs hearings simply because my employer/his companies had a bottomless purse – money being no object to my employer (even if wasted) to obtain retribution.

(iii) I then issued proceedings against my employer – not his company which had sued me for malicious prosecution. My claim was rejected in 2015, by ██████████ QC, Deputy High Court Judge but permission was given to a leap frog appeal to the Supreme Court. In *Willers v Joyce and Anr* [2016] UKSC 43 & 44 a 9 member court found (43) that the tort of malicious prosecution still existed in England & Wales (following the decision by the Privy Council in *Crawford Adjusters v Sagicor General Insurance* [2014] AC 366) and (44) that Privy Council decisions applied to England and Wales. Again, costs in my favour were heavily disputed.

(E) Some further recommendations

(1) The basic principle should be fairness and justice for all – that is justice which

is seen to fair and just. Simply having apparent institutions to deal with this, as exists at the moments, is neither fair nor just.

(2) Access to justice starts with knowledge of how the judicial system works.

(i) No person or their apparent property should be before the court for a hearing without adequate proof of receipt of notice of the details of such hearing – such as through the Coroner system.

(ii) All cases, including advanced notice of cases for the next four weeks (if known), should be available on the Court website and published in the local papers – transparency should be paramount.

(3) The appointment of judges should devolve to a wholly independent body/person away from the Executive – I am told that currently the Chief Minister, the President of Tynwald and the Speaker of the House of Keys make the decisions – to some one like the Lieutenant Governor, who is changed on a regular basis.

(4) Manx judges on Circuit

(i) To improve the judicial system in the Isle of Man it does – contrary to the comments of COM (p10) to CAR 6 – need to take advantage of the North Western circuit of the High Court in England & Wales so as to overcome, once and for all, the beloved but hopelessly flawed insularity and ‘we are only a small jurisdiction’ mantra. The current MLS causes patently obvious injustice to local litigants.

(ii) Manx judges should be part of the North Western Circuit so that they become exposed to a much larger number of advocates appearing before them and English judges should be part of the Isle of Man judiciary so that the locally qualified advocates have a changing tribunal, judicial behaviour and expectations and standards.

(iii) This will be a game-changer, it will inevitably raise the standards of all concerned and will be of major continuing benefit to Manx litigants who should be the beneficiaries of the Manx legal system – not its victims.

(5) Legal Aid

(i) This needs reviewing to ensure that it is fit for purpose.

(ii) The income of a spouse/partner should not be taken into account.

(iii) Should be available to bring cases against the Government at a level to match the “fire-power” of the Attorney General’s office to – as mentioned to me by others – prevent them from putting the “ante up” by virtue of their none concern for how much they spend – it just being public money and “*for legal reasons and privilege*” no account or

explanation has to be made. This would be a powerful dissuader against this policy, which currently exists.

(iv) It should be available, irrespective of circumstances, in cases where it is in the Public Interest that such cases should be brought or defended to ensure equality of arms rather than the current “money wins all” position.

(v) It should be available to all land owners to defend “adverse possession” claims.

(6) No win, no fee provisions should be brought in as soon as possible, drawing on the experience of England and Wales.

(7) Family and Children laws and practice should be reviewed so that cases are – other than in urgent and life affecting/changing cases – removed from the adversarial court system to a mediation/negotiation system to take out the inevitable animosity which becomes inflamed in the adversarial system.

(8) The Isle of Man Law Society (IOMLS)

(i) There should be a publicly available annual audit report and accounts.

(ii) Bullying and intimidation at the Manx Bar needs a proper complaints/whistleblowing procedure to a lay tribunal not made up of people who are also on other Government or other public tribunals or committees.

(iii) IOMLS disciplinary proceedings need to include lay participation on the same ‘no conflict’ basis.

(9) The Isle of Man Constabulary

(i) This is a necessary part of the MLS and it also needs attention.

(ii) It is said that the Police decline to record reported alleged criminal actions and issue a *crime reference number*. It is as if no crime has been reported. There is no route to appeal these decisions. Clearly, there should be an obligation (not a choice) to issue a crime reference number for every crime reported. If, following a proper investigation that crime report showed that there was no crime, then the crime reference number can be expunged – but only after informing the person reporting the alleged crime, advising them of the right of appeal and the appropriate appeal process has been gone through, agreeing with those findings.

31ST MAY 2022

PETER ALAN WILLERS

PETER ALAN WILLERS

CONTACT

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EDUCATION

- Barrister Pupillage, 11, Kings Bench Walk, London 1973-1974
- Bar Admission
- Council of Legal Education 1972-1973, Bar Finals
- Trinity Hall, Cambridge 1969 -1972, MA Law

LEGAL AND COMMERCIAL EXPERIENCE

Private Business Consultant

2009 to present/Isle of Man

- Advising personal and corporate clients in matters including contracts, employment, property development, planning and purchase negotiations.

Personal Legal Work due to dispute following termination of previous employment

2009 to 2020/Isle of Man and UK

- Represented myself or instructed and worked with external Advocates and Counsel in multiple court cases through to Supreme Court, drafting pleadings, witness statements, preparing cases, performing legal research and analysis, applications, position statements, skeleton arguments and arguing in court.

Director and In-house Legal Counsel

1986 - 2009 /Isle of Man

- Director of over 50 IOM companies.
- Policy development
- Headed day-to-day management and supervision of the business and staff management.
- Identified and analysed all legal issues including managing litigation, employment disputes, supervising conveyancing, negotiations and agreements for companies in IOM, UK and Ireland including Celtic Bank Ltd. and Total Fitness Ltd., provided and communicated recommendations and instructions to and control of all internal and external legal and other professionals, managing all Isle of Man Court cases and through to the Privy Council.
- Generally, advised, negotiated and effected matters, including planning, related to extensive commercial property developments throughout the North West of England, including Edge Lane Liverpool. Managed property acquisitions and disposals, tenant disputes including multiple County and High Court cases arising therefrom.
- Supported and contributed to the increase of company value 20 fold.
- Dealt with the Mount Murray Commission of Inquiry and managed all cases arising therefrom and from the Mount Murray development both in the Isle of Man High Court and the Privy Council.
- Advised on the development of Total Fitness Health Clubs, including dealing with all legal matters arising in that and the running of the business, expanding to 17 locations throughout the UK and managing the sale of the trading company to Legal & General and disposal of properties to other parties.
- Advised on personal legal matters of employer including Trusts, instructing and managing drafting Counsel, changing Manx law for charities, controlling civil and criminal litigation court cases, similarly in the USA and with the New York District Attorney.

Managing Director

1983 - 1986 /Harston, Cambridge

- In charge of all activities of the company including all legal matters involved in re-development of retail property, leasing and management of property.

Group Legal Adviser, Group Company Secretary, Group Board Director

1975 - 1983 /Kew, Surrey

- Board Director in charge of Treasury and Legal Services.
- Supervised and controlled the Group Secretarial function (60 companies with 10 overseas in Saudi Arabia, Iran, Nigeria (where I appeared in court in Kano representing my employer), France, Germany, Belgium, Holland, Jersey and USA) travelling to and attending meetings in most countries as necessary.
- Provided commercial and legal advice on all Group activities with annual turnover of £25m, net worth £20m.
- Contract negotiations, loan negotiations, joint venture agreements, property and corporate acquisitions and disposals and all related taxation advice aspect. Defending all legal actions against and pursuing all legal actions by the Company, instructing external lawyers and counsel and managing court cases in various jurisdictions.
- Managed Group staff in regard to insurance, pensions statutory records and conveyancing.
- Responsible for Group treasury matters and participated in Group policy decisions.

Business Tax Adviser

1975 - 1975 /London

- Tax planning adviser to private and corporate clients with businesses and assets in the UK & Overseas.

Legal Assistant

1974 - 1975 /London

- Taxation advice and prosecutions work including appearing in various courts prosecuting tax evasion cases.

11 Kings Bench Walk

Pupillage

1973-1974/London

- During second 6 months of pupillage conducting civil cases including paternity and criminal trials.

Assistant to Senior Partner

1967-1969/ Cambridge and through to 1972 during Cambridge University Vacations

- Drafting conveyances, preparing probate applications. Discovery and attending an arbitration between East Anglian Regional Hospital Board with Donald Keating QC which ran for 239 hearing days.

[REDACTED]

From: Graeme Jones [REDACTED]
Sent: 31 May 2022 17:25
To: DHA, Legal Review
Subject: submission Graeme Jones

Categories: Orange Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

SUBMISSION TO LORD GARNIER LEGALSERVICES REVIEW
31ST MAY 2022

I wish to be attributed by name but without contact details.

Background

Companies Registry legal compliance, private sector corporate services, data protection specialist, parliamentary researcher and technical project manager but most recently a public sector whistleblower that has realised how broken the legal system has become.

Some rushed observations from painful personal experience as a whistleblower. I am available for structured interview etc.

Manx Industrial Relations Service

MIRS is useful but requires a review on whistleblowing policy and procedure. It is the first independent contact point in employment disputes and it needs to document matters more consistently and refer matters to the proper authorities if required. For example, a public sector whistleblowing matter was not referred to Treasury internal audit, HM AG and the Chief Constable as required by the accountable officer rule FD A04.

Handwritten notes are routinely destroyed before legal proceedings progress. The same issue with the public sector Office of Human Resources Staff Welfare.

Law Centre

A no or low cost law centre is desperately required for high level legal support irrespective of location at MIRS, Citizens Advice, Victim Support, etc.

Paperwork

Legal paperwork processes are not always fully documented and staff were well meaning helpful but didn't know specific answers to specific questions at the public counter in the Isle of Man Courts and the court papers delivery public counter. I had a potentially pivotal date at risk because a checked form was rejected and resubmitted not once but twice.

Digital Evidence and Meta Data

Digital evidence needs specific rules, meta data expertise is required and digital legal bundles need standardisation to include cloud storage, OCR searchable text, keywords index, file titles with filenames.

Lawyer Availability

I struggled to shortlist any legal support for an employment tribunal. I was told by 3 former colleagues they had experienced the same issue and abandoned a legal case after 4-6 meetings with law firms. They still feel a sense of injustice years later.

Some law firms are clearly unwilling to oppose the Isle of Man Government and even more so Tynwald. They do not appear to be overly conflicted with work so it seems more to do with reputational risk etc.

In a small jurisdiction I wonder if a specific lawyer could relocate to an independent Law Society location for the duration of a case to circumvent Chinese walls concerns or general "compromised" status.

Similarly perhaps UK lawyers could supply legal support to one or more cases at no (pro bono) or low cost to demonstrate competence and accelerate a fixed or unfixed permission to operate in the Isle of Man to increase availability of lawyers.

Funding

No win no fee is a huge issue. I have battled against HM AG chambers operating a win or lose no fee scheme to the public sector.

Iniquitous Legal Process

I have highlighted a number of iniquitous legal process issues with parts of the public sector. Very worrying and poorly handled.

I have battled legal rebuttals.

Super Injunctions

I was stopped from defending and progressing a claim on corporate memory and reference to suppressed evidence by a super injunction improperly based on parliamentary privilege. Very worrying and surely a legal precedent in the Isle of Man.

Civil Legal Aid

The legal aid committee refused to conduct a public sector equality review. I am concerned that the married characteristic is routinely breached by insistence on third party litigation funding by a spouse.

A spouse or unmarried individual with significant unavoidable debt payments beyond a mortgage such as personal loan and credit card minimum payments is clearly unfairly barred from civil legal aid.

The late HM AG report on legal services released to the legal aid committee should have been published before the start of your review.

HM AG chambers

A review is clearly required to consider proper control of legal disclosure and adequate digital searches.

Sincerely,



Isle of Man Legal Services Review.

This Submission is made on a confidential basis and not to be published.

Submission by [REDACTED].

Introduction

I have lived on the island for over 48 years, my views and observations are based on my own experiences, information provided to me by others and research I have undertaken which I am sure would be at odds with the official/view.

There is no true democracy in the Isle of Man.

- 1 There is no two-party system (no challenge to government as in true democracies)
- 2 There is no free and independent press and media (not independent)
- 3 There is no independent Judiciary and Legal system (just an old boys network)
- 4 There is no independent police force.

The island is run by and controlled by a [REDACTED] cartel who run the whole offshore finance industry on the island. Key players are advocates, bankers, corporate service providers and others who work in the offshore finance sector.

[REDACTED] stated that they control the IOM Government (BBC Panorama) and the [REDACTED] control [REDACTED]. Therefore, [REDACTED] control the Government.

To back up this information please refer/watch a documentary film called "The Spiders Webb" available on YouTube made by the Tax Justice Network. This film reveals that after the Second World War and the collapse of the British Empire, the City of London wanted to keep control of the world banking system and the money, so it helped and encouraged the offshore tax jurisdictions such as the Isle of Man, Jersey, Guernsey, and others around the world.

But my research shows that [REDACTED] are involved and they control the City of London and therefore it further follows that Local (IOM) [REDACTED] would and do control the island.

Therefore, the Isle of Man is not democratic, with no independent Judiciary/legal system, and from it flows a bullying culture ' Where whistleblowing is not encouraged!' Also, it is often repeated "If you don't like it there's a boat that goes in the morning" This is a phrase which is repeated incidentally in the Spiders Webb Documentary in connection with Jersey.

The Bullying Culture

AD 790s - 1100s

May go all the way back to the Viking era when the island was occupied and ruled by the Norwegian Vikings. The Vikings were also traders and Slave Traders. (Slave Market in Dublin.) Island was ruled by Dublin Vikings/king of Dublin. Conquest of Man 1079.

1440-1870

Manx Slave Traders and Manx Involvement in the North Atlantic Slave Trade. Also supplying red herrings (extra strong kippers, high protein food to keep slaves in good condition). And goods such as old clothing, tools and glass beads to exchange for slaves. And Ships Chandlery for long voyages (supplied in Peel and Douglas). I believe approximately half the Sea Captains who operated the Slave Ships out of Liverpool were Manx. Information gleaned from the Manx Museums own book entitled 'Manx Slave Traders'

by [REDACTED].

I suggest the Isle of Man might (in view of its extensive involvement in the North Atlantic Slave Trade) like to make an apology to all the descendants of the Slaves in the West Indies, USA and elsewhere for its involvement in Slave Trade.

1755

The Smuggling Trade. There were apparently up to 20 Vessels continuously employed in the smuggling trade.

Poverty I know the island was poor and that there were obviously few opportunities for material advancement. And that even as late as the 1950s the island was one of the poorest parts of Europe. And this is a mitigating factor but nevertheless I feel the authorities ought to apologize.

This History, I feel and the obvious economic disadvantage the island suffered under throughout its history helps to explain why there is an avaricious and bullying culture (in my experience on the island).

The bullying culture was prevalent when I arrived on the island in the mid-1970s and still remains. The Isle of Man Government used [REDACTED] to try and improve customer services at government offices in the 1980s because the service was so bad.

The bullying culture starts at the top with some of those arrogant and dictator like advocates/old boys whose arrogance is only matched by their incompetence.

They set the tone, unfortunately, this permeated down the chain where spectacular arrogance and bullying can be found at all levels.

You may wonder why I set out this criterion at the beginning of my submission. Well, it helps to explain why and by whom I have been so badly treated. It is something that a lot of people are either unaware of, or are only dimly aware of and may choose to ignore. Unless you have a direct conflict with this group you are unaware of them and the scope of their power and influence. The [REDACTED] are not just some benign charity doing 'good work' as they would have the public believe, but a sinister mafia of professionals.

The reason for this overview/introduction is to help explain and rationalize the environment in which the things that happened to me and my family took place.

Personal Background

I moved to the island as a teenager with [REDACTED] at the age of 16/17. I was educated at [REDACTED] and [REDACTED]. I am dyslexic and not academic.

I worked and trained in agriculture from 19-30 during this time I worked as a farm worker and a farm manager (including two years at agricultural college including farm management)

30-40 approximately, more than 10 years for [REDACTED] this was our family business and at one time the biggest private business in Europe. A director of [REDACTED] property for 5 years, a director of [REDACTED] for 3 years, a director of [REDACTED] for 3 years, a director of [REDACTED] (biggest in UK) for 2 years. A total of 13 years as a director of [REDACTED]. I was sent to Russia, India and China for trouble shooting in connection with our businesses there.

Between the ages of 40-48 farmed (single handed) [REDACTED] 500 Acres of hill with 400 hill sheep.

Trustee of the [REDACTED] for over 25 years (English Trust administered on IOM).

Trustee of the [REDACTED] briefly before it was shut down.

2019 purchased [REDACTED] and this is at present where I work. I also have a commercial and residential property business, I also helped look after [REDACTED] and her money from the sale of [REDACTED] in 2005 to 2012.

I have over 20 years' experience in Manx farming as a farm worker, Manager and owner I have worked for leading farmers on island. [REDACTED], [REDACTED] and [REDACTED] at the [REDACTED] where I trained as a stockman.

Other interests

[REDACTED] extensive training in [REDACTED] (qualified [REDACTED]).

Also trained in [REDACTED], [REDACTED] and [REDACTED].

. [REDACTED]

Religion [REDACTED].

Trust Issues - Main point.

Proposed change in Trust Law in the Isle of Man.

All trusts and trustees must employ (use the services of) independent, expert, professional tax, legal and investment/financial advisers when making any significant decisions effecting the trust and the beneficiaries. (Both professional and non professional trustees).

Trustees who do not follow this rule/law are immediately and automatically liable for any or all liabilities that arise from not employing experts!

This proposed change in the law is to prevent Manx professional trustees from turning or attempting to turn their liabilities onto offshore resident relatives/family members, ie the general public. The professional advisers that provide the advice (tax advisers) would be liable and not the trustees. Thus preventing the need for advocates, accountants (Manx professionals) attempting to turn these liabilities onto offshore relatives. [REDACTED] said to me 'This is what they do [REDACTED] they put it back onto an IOM based relative, and then 'Yes it's a conspiracy and it's been going on for a very long time! And [REDACTED] of [REDACTED] 'Put back on the family'.

It was at this point a misrepresentation was performed on me. They got me to sign what I thought was a bank mandate for [REDACTED] company [REDACTED]. To transfer directorship from myself to [REDACTED]. I was following [REDACTED] advice to retire from all positions in connection with [REDACTED]. I came to realize over a period of 3 months that they had given me something to sign that was not what it seemed ([REDACTED] were treating me like a criminal and threatening me and my family). We got this reversed and [REDACTED] said I would never see it again! Also [REDACTED] had cooked the books and they were trying to get me to write off loans in [REDACTED] Estate and cheques on her cheque book!

I did ask [REDACTED] if this was legal and he just shook, ([REDACTED] forensic accountant had discovered anomalies,) was clearly terrified. He muttered 'don't touch it 'This bullying, blackmail and threats all led to me having a mental breakdown. [REDACTED] said "This wouldn't be happening to [REDACTED] except [REDACTED] is a leading [REDACTED]! It's just an old boy network over here this wouldn't happen in the UK".

I must explain that I was trustee of 2 of [REDACTED] trusts and her Enduring Power of attorney. [REDACTED] was bi-polar and [REDACTED] had made me a trustee in my 20s and from an early age (9) charged me looking after her! I had to deal with [REDACTED] who tried to steal all her money I was physically attacked by them on several occasions. She was a wealthy woman who was extremely vulnerable and extremely volatile with massive mood swings.

As I stated the stress inflicted on me by all these truly wicked professionals caused me a mental breakdown. I couldn't leave the house for over 2 years. [REDACTED] stopped acting for me after incorrectly removing me from as a trustee from an English trust in a Manx Court.

It should have been an English Court.

I went to [REDACTED] advocates to [REDACTED] and things just got worse, he and [REDACTED] joined in the bullying trying to make me accept less than half of my one third share of [REDACTED] estate left to me in [REDACTED] will. I refused and emailed all involved that I knew I was absolutely entitled to at least one third of [REDACTED] estate and trusts!

[REDACTED] played mind games with [REDACTED] and she has not been well since, in fact she has now had a breakdown with the stress and will not leave the house. Eventually I lost faith in [REDACTED] and started looking for another advocate. I could not find an

advocate who would take me on as a client all stating conflict of interest.

Eventually [REDACTED] was recommended by a friend. [REDACTED] has been brilliant, I feel like a man lost in the desert for 40 days and 40 nights who comes upon an oasis!

As I have already stated bullying at all levels of society was and is in my experience prevalent on the island. By advocates towards their clients, by police and generally seems to be part of Manx culture. From when I first arrived ([REDACTED]) at the age of 16 I noticed a distinct hostility to English people, I have been physically attacked for not being Manx. In my Farming career some would not employ me because I wasn't Manx.

More recently I have experienced bullying in connection with [REDACTED] and her legal and financial affairs by advocates and other professionals involved. The use of intimidation, threats, including threats of violence both implied and specific also blackmail were employed. Racism and religious bigotry were implied.

Organizations involved

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Individuals involved

[REDACTED] advocate to [REDACTED] and myself for over 30 years (apparently a leading [REDACTED]), [REDACTED], [REDACTED], [REDACTED],

[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] (glaring arrogantly at me on the Gatwick bus). I was told this was a [REDACTED] conspiracy by [REDACTED] and [REDACTED]. After 4 years of wrestling with this conspiracy from 2008 to 2012 I had a breakdown.

It took me few years to recover, this whole saga has been going on for over 15 years, it started with the collapse of [REDACTED] when it was discovered by a trust expert that there were potential tax liabilities within [REDACTED] trusts and estate caused by professionals.

Who seem to be prepared to do anything to avoid or transfer their liabilities onto others.

In fact I believe not only do they wish transfer their liabilities but also financially destroy their victim and leave them destitute so they (the client) has no means to fight back, they also seem to delight and almost dance a jig of glee at this prospect (the destruction of family wealth and an individual's savings these are truly evil people). And not the kind of message the IOM needs to send out when trying to attract High Net Worth individuals to come and reside in the IOM.

They recently tried to both steal and transfer liabilities onto [REDACTED] via [REDACTED] and attempt to steal our [REDACTED] invested at [REDACTED]. [REDACTED] said 'They could hold a gun to [REDACTED] head!' The police bullies are useless, incompetent, corrupt

and won't take on advocates. In my view they (the system) are all in it together, [REDACTED] the [REDACTED], [REDACTED], [REDACTED], [REDACTED], the Isle of Man Law Society, the Police and the Isle of Man Government. A perfect circle of corruption.

And this is why it is so important that a review of Legal services is undertaken to stamp out corruption and malpractice. But the problems go deeper with no true democracy no true accountability and oversight and advocates only answering to The Isle of Man Law Society.

As the Romans say 'Who will guard the guards themselves.' Reporting to themselves is a joke it is no acceptable they need independent oversight, reporting to a truly independent body off the island the European Court of Justice for example.

I repeat there is a need for International oversight and regulation.

Prior to my problems with [REDACTED] (and therefore the [REDACTED] conspiracy against me and my family). I became both EPA for [REDACTED] and trustee of the [REDACTED] (her Manx Trust) I was already trustee of [REDACTED] English trust.

The [REDACTED] was shutdown.

Timeline

2008 collapse of [REDACTED] and the loss of [REDACTED] monies and a court case. Deterioration in [REDACTED] and [REDACTED]'s behaviour, employing an aggressive attitude to me, using threatening and intimidating behaviour!

I asked [REDACTED] a UK Barrister and adviser to [REDACTED] and his business [REDACTED] and his family including [REDACTED] and myself for help! She recommended I send all the [REDACTED] trust documents to [REDACTED] (trust expert) At [REDACTED] London. I did this and also sent Manx trust) [REDACTED].

[REDACTED] discovers potential taxes in the [REDACTED] and tells me I must inform [REDACTED] about this and the fact that this trust should not have been shut down with outstanding taxes! (These I understand are UK tax rules and HMRC apparently apply UK tax rules to Manx trusts where there is UK beneficiaries).

I point this out to [REDACTED] and ask them what are they going to do about it? At this point all hell breaks loose, [REDACTED] will not attend meetings (he is conveniently retired) and [REDACTED] and [REDACTED] alongside [REDACTED] all blame me! They state "Everything wrong in [REDACTED] Estate" is [REDACTED]'s fault. [REDACTED] continue threatening and bullying! (It seems this is their favourite tactic).

I had naively when [REDACTED] retired gone to [REDACTED] trust lawyer who was a partner at [REDACTED] for help, he brought in [REDACTED] tax expert to say shutting down [REDACTED] was correct. A stitch up!

At this point [REDACTED] deteriorated and I became her EPA. Becoming desperate I brought everything (all [REDACTED] affairs to) [REDACTED] and asked for help they were trust and administration experts.

Unfortunately due to the [REDACTED] connection [REDACTED] also turn on me with threats, bullying, blackmail and a misrepresentation. [REDACTED] also tell me they are coming under pressure from [REDACTED] to fix it ! Examples of this include 'Better for you and your family if you sign this! 'This wouldn't be happening to you [REDACTED] in the UK but over here it's just an old boy network' and ' [REDACTED] is a leading [REDACTED]' ' Put it back on the family' said [REDACTED]. They are all scum and a bunch of crooks!

The advocate [REDACTED] was brought in by [REDACTED] to help me advised I retire from all my positions in connection with [REDACTED] affairs. This advice was followed. He also told me that 'This is what they do [REDACTED] they put it back on an IOM based/resident relative'.

2012 all this stress leads to a mental breakdown.

Unfortunately, [REDACTED] advised I retire in the Manx Court from an English trust. Which was incorrect (advice obtained from [REDACTED] in London). I assume he caused himself a liability because he then said he could not act for me anymore. This did not come to light for a while so he carried on acting for me for some time.

2017 [REDACTED] dies and we move to [REDACTED], things go from bad to worse, [REDACTED] and [REDACTED] partake in bullying and mind games and try to get me to accept 40% of my entitled inheritance as final a blatant fraud, and mind games played on [REDACTED] by [REDACTED] and bullying by [REDACTED].

[REDACTED] attempt to steal our [REDACTED] and [REDACTED] talks about someone holding a gun to [REDACTED]'s head [REDACTED] is involved.

We move to [REDACTED] and as soon as we move to [REDACTED] things begin to improve (until this point we/I did not feel there was an advocate who We/ I could trust and properly act for me)! [REDACTED] had to fight [REDACTED], [REDACTED], and others attempting to harass and cause me problems. We thought our money was frozen- mind games again.

I had to go to Guernsey for a period (flee) I returned because of the Covid 19 pandemic. All along the executors and trustees of [REDACTED] Estate and trusts along with [REDACTED], [REDACTED] and the [REDACTED] have treated me very badly, [REDACTED] told me. Bullying, threats and blackmail have been employed.

This combined with a Court Case in the UK about sharing out of the English trust that has gone on for about 5 years and the expense of everything has been truly awful. The ongoing stress has been immense and has now led to [REDACTED] becoming ill and having a breakdown.

Abuse

Abuse seems to be a common theme of my lived experience on the island of over 40 years.

Whether verbal, racial, religious and physical. Legal and professional abuse including threats of violence against clients by professionals should not be tolerated by the Manx Authorities/Government.

Yes I have benefited financially from lower tax rates offshore it being easier to grow one's wealth, but I never initially wanted to come to the island, I met [REDACTED] here and was financially dependent on [REDACTED], I had little or no money of my own, so I stayed and tried to make the best of it.

In my view it is the Government's job to defend me and my rights. Apparently this is a Civil matter, but when professional gangsters abuse their clients is this not Criminal? And why won't the authorities, Police or Government or both do anything?

The answer is corruption and the-[REDACTED], [REDACTED], The Isle of Man Law Society, Manx Professionals, the Police and the Isle of Man Government are all complicit and involved in this behaviour.

Professional Insurance

Shared insurance provided by the Isle of Man Law Society.

This causes lots of problems in my view. The advocates try to suppress claims by clients and work together to minimize claims brought against the insurance thereby protecting premium's paid, trying to ensure premiums don't rise.

They don't have sufficient cover £4M rather than £8M in UK. When dealing with wealthy clients and trusts, they and their clients need the confidence of properly insured advocates who will be fully insured. And can and will be claimed against. If they don't want to be claimed against, take and follow professional advice and don't be greedy and don't take on work which they are not competent to manage!

Please note.

It seems some advocates take on trust work, are greedy and overcharge, are not properly insured, don't take professional advice, make mistakes and try and blame or put it back on the clients! Horrendous behaviour!

There is a need for them all to take independent insurance.

They need to work against each other not work together! For the benefit of the clients.

I understand the legal system is supposed to be adversarial to deliver an independent and fair justice system. To the benefit of all, rather than an old boy network for the benefit of the Advocates!

Democracy

Government of the people, by the people, for the people shall not perish from this earth.
Abraham Lincoln at Gettysburg.

For Democracy to function it is essential that Government respects the people and takes them seriously not only those who voted for that government but ALL people.

I am an Isle of Man resident for 48 years, I am one of the people therefore it follows the IOM Government must stick up for my rights against the Corporate. Democracy means that the government must represent and stand for the public/the people against all oppression ([REDACTED] and the [REDACTED]).

Speaking Truth to Power - what I am doing.

Pharrhesia Classical Ancient Greek "Speak truth to Power" is a non violent political tactic employed by dissidents against received wisdom or propaganda. "Speak truth to Power" a Quaker search for an alternative to violence. Employed by Mathatma Gandhi, Nelson Mandela, Archbishop Desmond Tutu, the Dalai Lama, Alexander Solzhenitsyn, Martin Luther king Jnr and Winston Churchill.

At the beginning of this saga/ordeal (15 years so far) [REDACTED] collapsed, the [REDACTED] monies had been pooled, this should not have happened [REDACTED] had been expressly told not to do so, this was apparently an oversight by the backroom boys - said [REDACTED] Investment Manager at [REDACTED].

Because the IOM Water board also had a pension trust for its employees. Political pressure was on the IOM Government who stepped in bail out [REDACTED] for this trust to be supported and during the Court Case [REDACTED] ruled that trust monies should not be pooled. Therefore, private family trusts had to be supported as well, consequently the [REDACTED] was fully reimbursed eventually.

This was an extremely good outcome for me as a trustee (with [REDACTED]). But because [REDACTED] (our advocate) had along with [REDACTED] (our accountant and adviser to the trust) been so destructive and rude when I asked for help in this matter. I became suspicious of them, it seemed they had something to hide, something they weren't telling me! I asked [REDACTED] (UK Barrister adviser to the [REDACTED]) for help she advised I send the trust documents to [REDACTED] London. Because I was suspicious, I sent both trust documents, [REDACTED] and the [REDACTED] documents a Manx trust with English beneficiaries. [REDACTED] discovered potential taxes caused by [REDACTED] and [REDACTED] for my [REDACTED] and told me I must tell [REDACTED].

It is when I told [REDACTED] about these taxes that all hell broke loose, so for [REDACTED] to claim I started it is incorrect. I was doing my job as tasked by [REDACTED] protecting

[REDACTED] who was vulnerable defending her, her trusts and her wealth (this is what caused the conflict with [REDACTED]) as I have done diligently for over 30-40 years.

If you ask me I deserve a medal not criticism.

Conclusion

Only radical reform of the whole democratic, legal and political system on the island will bring about meaningful change. True democratic reform would mean introducing a 2/3/party system, true freedom of the press and media, true independent oversight of the legal and democratic process.

This legal review is an important step in this overhaul - if it changes the dynamic between advocates, the law society, government and the electorate and makes everything transparent, accountable and truly independent.

It is not enough to claim to be democratic which the IOM Government does, this is not correct, the system must be seen and physically believed to be democratic. Example - a two party system where the government is properly challenged and held to account (by the opposition party) as in the House of Commons. This is democracy in action.

This is a much harder task!

Old boy networks ([REDACTED]) need to be banned completely. It is an evil and parasitic force delivering an injustice system. While it is allowed to continue no fair, independent, legal and justice system will be possible. This in my opinion is what we have now on the island and it is an injustice system.

To be able to believe and comprehend what I say in my submission it is very important that you watch the 'Spiders Webb' documentary film by the Tax Justice Network available on YouTube. It is in my opinion a good and factual narrative and reinforces a lot of what I say in my submission.

Power and Control: Lawyer client relationship.

I include in my submission a paper by SpeakOutLoud by Care Murphy on Coercive Control And Psychological Abuse, Power and Control: Lawyer client relationship. A power and control wheel has been developed as a tool for recognizing abuse and physiological assault by lawyers against their clients.

I have only just found this information, but I recognize every tactic used by lawyers in this paper to have been employed against me by [REDACTED] (and all the Conspirator's). In my struggle for Justice.

Suggestions department

I strongly recommend that the Isle of Man Government sets up a suggestions, complaints and issues department for the public and others to be able to go to and report matters of concern, and make suggestions for improving all areas of island life. And discuss matters that are either being ignored or have not been identified. Before becoming aware of the Legal Review by Lord Garnier, I was frustrated that there appeared to be nowhere and no one to whom I could bring my concerns.

Modest or small things I have done to help the Isle of Man.

1 When I was at [REDACTED] in [REDACTED] I did a project on [REDACTED] grown at [REDACTED]. This attracted the attention of some [REDACTED] farmers looking for seed. They approached an [REDACTED] agricultural stand at the English Royal show.

2 I argued with [REDACTED] about opening a [REDACTED] store In Douglas and eventually succeeded in getting one open including an [REDACTED] store.

3 I was invited to a dinner by [REDACTED] and after the dinner [REDACTED] asked if there were any suggestions the guests could make that would help the island. I suggested that the Isle of Man needed control of its transport links to and from the island. [REDACTED] agreed with me and went on to mention the air links. Soon after this the Isle of Man government purchased the [REDACTED].

[REDACTED]

From: [REDACTED]
Sent: 03 March 2022 11:22
To: DHA, Legal Review
Subject: FAO Lord Edward Garnier QC re Legal, Review

Categories: Orange Category

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Lord Garnier

Please see below my following comments regarding the legal system on the Isle of Man. I appreciate that you are not dealing with individual cases but perhaps some background on one may provide you with some assist as the issues the Manx public have accessing justice.

The IOM Government will tell you that we have the Petition of Doleance which allows the Manx public to access justice. However, it's not quite as simple as that and I have some information below which I have laid out in points for ease of reference:

1. Finding an Advocate on the Island to act for you because they don't have a conflict of interest can be difficult (ie they already act for the IOM Government on other matters). In a choice between a one off job for a member of the public or ongoing advice to the Government, who is an Advocate going to chose as their client ?
2. The other issue is specialist advice. For instance, health complaints or Access to Medical Records Act 1993 are relatively specialist and I approached 4 firms before I found firm number 5 that could take on the case. The previous firms quoted conflict or lack of expertise
3. When you find a firm willing to act, you are effectively paying in some instances for their own learning curve, ie we are a small Island so have a limited number of Advocates who specialise in certain area's.
4. In my case, DHSC (Department of Health and Social Care) denied me access to a part of my deceased Mothers medical records. The Information Commissioner on Island can only assist in GDPR / SARs etc, and not Access to Medical Records Act 1993 which forces the bereaved into legal advice.
5. The cost for a file review and one letter to DHSC was £4000. Isle of Man Advocate charging rates are much higher than that of similar advice in the UK. I am fortunate that I could spend £4000 on a lawyer, how many others can't ? Recent reports by the Information Commissioner indicate there is a problem with DHSC/Manx Care and the public accessing information they are entitled to legally. How many members of the public have been denied their rights ? I have UK clients with complex legal queries and their bills are nothing like the legal bills we receive on the Isle of Man !
6. So turning to the Petition of Doleance which will be put forward to you as a simple and cost effective way for the Manx Public to access justice. The cost quoted by several firms (if you find one to act) is £20,000 + to draft and put the matter in Court. Obviously the Advocates will have to tell you that there is a risk of costs against you, bringing a potential bill to £40,000 to £50,000 plus. So you can see that access to justice via a "simple" Petition of Doleance remains for the wealthy only.

7. I was advised by two Advocates that in general the Manx Courts do not like ruling against the IOM Government and so at what point do you decide to take the risk when so much is stacked against you ?
8. I suppose that you may be told that the Island has a Tynwald Commissioner for Administration but her recent reports, particularly in relation the IRB (Independent Review Body for health complaints) do not demonstrate access to justice, extract of her July 2020 report below:

"In my last Report, I referred to a Department of Health and Social Care ('DHSC') complaint involving delay by the Independent Review Body (IRB) for Health in investigating a complaint. The Chief Executive of DHSC had agreed that it fell within my remit because DHSC were responsible for funding the IRB and provided and funded the administrative staff who remained their employees. I investigated on that basis with the full cooperation and assistance of his successor, the then Acting Chief Executive. At the end of last year, I had completed my enquiries and was in a position to report when I received a separate complaint about the IRB for Health. The complaint had initially been made to the Cabinet Office and there was correspondence between the Chief Secretary and the Acting Chief Executive who had agreed that the complainant should be advised to complain to me. By the time I received the complaint, the Acting Chief Executive was on longterm sick absence and in her place another Acting Chief Executive had been appointed. She responded to my request for information by stating that the IRB for Health was a body entirely independent of the Department and was outside my jurisdiction. I questioned this, pointing out the position taken by the previous Chief Executive and the Acting Chief Executive. I was told that she had received advice to that effect from the Attorney General. She offered to obtain formal advice and, when she had done so, she waived privilege and provided me with a copy. The advice did not address the points I had made and did little more than set out the legislation. It certainly did not explain why an experienced Chief Executive and the previous Acting Chief Executive had accepted that the IRB's delay in concluding investigations could be attributable to inadequate funding by the Department and therefore fell within my remit. Nevertheless, being pragmatic, I concluded that I could not investigate without the Department's co-operation and I had to write to the complainant explaining why, despite the information he had received from Cabinet Office, I could not investigate. This creates a problem in respect of the case on which I was about to report. Either I have or have not got jurisdiction to investigate the cause of delay by the IRB for Health and, in particular, to ascertain whether it is caused by departmental failure to provide adequate resources. My jurisdiction cannot differ according to individual circumstances or who is the Acting Chief Executive in any particular week. For that reason, I have decided that it is not appropriate to report in respect of the initial complainant but I will lodge a section 14 statement, on the basis that I do not have jurisdiction, setting out my findings without recommendations and leave it to Tynwald to consider whether the situation is satisfactory or whether any amendment to the Tynwald Commissioner for Administration Act 2011 should deal with this"

Surely the Tynwald Commissioner for Administration should be investigating DHSC and make a decision on whether or not the IRB are independent first of all (and there is a substantial amount of evidence that perhaps they are not which I can provide if required). However, the Commissioner has decided to be "pragmatic" without investigating and this is not the first time the IRB have been highlighted as an issue, it goes back to 2004. There are further comments on the IRB her July 2021 report.

The Commissioners own website states "The Commissioner's function is to investigate complaints from members of the public who claim to have sustained injustice or hardship as a result of service failures by, or the administrative actions of, the [Government Departments](#) (including action taken on their behalf); Statutory Boards; the Manx Museum and National Trust; the Public Services Commission; the Attorney General's Chambers; the General Registry; and industrial relations officers appointed under section 5 of the Trade Disputes Act 1985. "

How many times will members of the public have to raise similar issues regarding maladministration in a particular Government Department before the Commissioner will take action, and investigate rather than be pragmatic ?

I am sure there are lots of excuses in relation to health complaints on the Island and claims that DHSC are changing. DHSC promised to have the new regulations before Tynwald in November 2021 but have now delayed again until Summer 2022. Tynwald originally agreed the new regulations in 2006 so we are 16 years on and have not updated our health complaint system. And this is despite the Sir Francis Report in 2013 and other more detailed reports on the Manx health system.

The Manx aren't allowed no win no fee lawyers. We have to pay for all legal advice at a high cost. Access to the Manx justice system truly is for the wealthy. Had it not been so then perhaps my Mum would be here today.

I hope you found the above of assistance. I am happy to answer any queries you may have.

Yours sincerley



9.

Sent from [Outlook](#)