

LAW SOCIETY OF IRELAND

Complaints

and

Client Relations Committee

Annual Report

of

Lay Members

Year 2014 – 2015

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1. **DERIVATION OF POWERS**

- 1.1 The Law Society of Ireland (The Society) is the regulatory body for solicitors. It has a statutory duty to investigate complaints about solicitors, made by members of the public and other solicitors.
- 1.2 The Complaints and Client Relations Committee is one of the standing committees of the Law Society Council.
- 1.3 The Solicitors Acts, 1954-2008 require the Law Society to regulate solicitors. The Charter of the Law Society gives the Council of the Law Society powers to make bye-laws. Bye -laws were subsequently made by the Council providing for the passing of annual Council regulations. The Council regulations delegate the regulatory functions of the Society, which include “the consideration of complaints against solicitors”, to the Regulation of Practice Committee and the Complaints and Client Relations Committee on an annual basis. The Complaints and Clients Relations Committee deals principally with the investigation of complaints against solicitors. (Paragraph 54 xxxv).

2. COMPOSITION OF THE COMPLAINTS AND CLIENT RELATIONS COMMITTEE

- 2.1 The Complaint and Clients Relations Committee, (from here on referred to as the Committee), consists of Solicitors and Lay Members who oversee the work of the Complaints and Client Relations Section of the Law Society. Lay Members are persons who are not members of the legal profession. The solicitors on this Committee give of their time voluntarily to adjudicate on complaints against members of the Law Society of Ireland.
- 2.2 The Committee operates in three divisions.
- 2.3 Each Division consists of a Chair who is a solicitor nominated by the Council of the Law Society, two other Solicitor Members and four Lay Members. Section 34 of the Civil Law (Miscellaneous Provisions) Act 2008 provides that the majority of each Division must be comprised of Lay Members. The meetings of the Divisions are also attended by Solicitors from the Complaint and Client Relations Section of the Law Society who have dealt with the complaints coming before the Committee from the outset.
- 2.4 The Independent Adjudicator of the Law Society, who deals with complaints about the Law Society's handling of a complaint against a solicitor, attends some meetings of the Committee as an observer.
- 2.5 It is important that Lay Complainants are always aware of the fact that their complaints, if they have to be referred to the Committee, will be considered by a Committee where the majority of the members are, themselves, lay people similar to the complainants.
- 2.6 The Lay Members are nominated by the following Bodies at the request of the Law Society of Ireland:
- Irish Congress of Trade Unions (ICTU)
 - The Irish Business and Employers' Confederation (IBEC)
 - The National Consumer Agency (NCA)
- 2.7 Attached as Appendix I are the names of the Lay Members of the Committee

3. **ROLE AND REMIT OF THE COMPLAINTS AND CLIENT RELATIONS COMMITTEE**

3.1 The Law Society is empowered to investigate complaints against solicitors by or on behalf of clients alleging the following:

- **misconduct** as defined by Section 3 of the Solicitors (Amendment) Act, 1960 as amended by Section 24 of the Solicitors (Amendment) Act, 1994 and by Section 7 of the Solicitors (Amendment) Act, 2002;
- the provision of **inadequate legal services** as provided for by Section 8 of the Solicitors (Amendment) Act, 1994;
- the charging of **excessive fees** as provided for by Section 9 of the Solicitors (Amendment) Act, 1994;

3.2 In addition, the Society may investigate any allegation, including an allegation withdrawn for whatever reason, where the Society considers that, in pursuance of its regulatory functions and in the public interest, the Society ought to investigate or continue to investigate.

3.3 Complaints received by the Law Society are handled initially by the Complaints and Client Relations Section of the Law Society (See Section 4 below). Where the complaint cannot be resolved by the Section either because of difficulties in effecting a resolution or because of the nature of the complaint, the matter is referred to the Committee.

3.4 The Committee operates in Divisions. Each division has the same duties and responsibilities and meets approximately every six weeks so that one Division meets about every two weeks. Prior to each Division meeting, members are required to read a substantial amount of documentation relating to the agenda of the day. (The names of the Lay Members are at Appendix I - see paragraph 2.6/2.7 above).

3.5 The primary focus of the Committee is to seek to resolve matters by agreement between the complainant and the Solicitor involved.

3.6 The solicitors who are under investigation are often invited or required to attend to answer questions on the complaint(s) before them. Clients can also attend if they wish. However, the client and the solicitor against whom the complaint has been made are never in attendance at the same time, as the Committee operates in a non-adversarial manner.

- 3.7 Where a Solicitor does not attend a meeting of the Committee at which his/her attendance has been required (or where correspondence about a complaint has not been addressed), the Committee may levy the costs of the investigation on the Solicitor concerned and/or seek to secure an order from the High Court compelling his/her attendance or substantive response.
- 3.8 If a resolution is not possible the Committee may uphold or reject the complaint.
- 3.9 The Committee may direct the solicitor concerned to take certain steps:
- instruct a solicitor to reduce, waive or refund fees to the client
 - direct a solicitor to rectify any error, omission or deficiency in the services provided
 - direct a solicitor to take such other action in the interest of the client as the Committee may specify
 - issue a reprimand to a solicitor
 - require a solicitor to make a payment (not exceeding €3,000) as a contribution towards the costs of the investigation
 - require a solicitor to make a payment (not exceeding €3,000) for any financial or other loss suffered by the client in consequence of any such inadequacy in the legal services provided.
- 3.10 It should be noted that, in certain circumstances, where a complaint is made which, on the face of it, might appear to merit disciplinary action against a Solicitor, the Committee may seek to require the solicitor to take certain steps in favour of the complainant rather than proceeding with disciplinary action immediately as a disciplinary finding against a solicitor may be of little value to the client who is still left with an unsatisfactory outcome, whatever disciplinary action may be taken against the solicitor.
- 3.11 For example, in the case of a person who is in receipt of an undertaking from a solicitor which has not been complied with, his/her prime concern is to ensure that the undertaking is complied with and he/she is better served by the Committee's taking steps to require the solicitor to comply with the undertaking rather than proceeding with disciplinary action immediately, even if this takes some time. Similarly, the prime concern of the beneficiaries of a will is to get the process completed rather than having disciplinary action taken against the solicitor involved, at least in the first instance.
- 3.12 This does not mean, of course, that, if and when the client eventually secures a satisfactory (or less unsatisfactory) outcome, disciplinary action cannot be taken against the solicitor.

- 3.13 The Committee also has a role in relation to the renewal of Practising Certificates of Solicitors.
- 3.14 Solicitors are required to hold a Practising Certificate issued by the Law Society and these certificates must be renewed each year.
- 3.15 Where a Solicitor has been the subject of multiple complaints of a substantial number in the previous two years, the question of the renewal of the Practising Certificate is referred to the Committee.
- 3.16 The Committee may have regard to the number and nature of complaints made against a solicitor within the preceding two years, and where the Committee considers that the circumstances warrant, this can result in a direction to refuse an application, or the imposition of conditions (such as a restricted certificate permitting the solicitor to practice as an assistant solicitor in the employment of and under the supervision of a solicitor of at least 10 years standing to be approved by the Society).

4. **ROLE OF THE COMPLAINTS AND CLIENT RELATIONS SECTION OF THE LAW SOCIETY**

4.1 The Complaints and Client Relations Section comprises of a team of investigating solicitors. At the time of writing the number of solicitors in the Section is four full-time and four part-time complaints handlers. There are also six support positions which are filled by ten people, including eight job-sharers. The importance of the work carried out by the members of this Section, under the guidance of Senior Solicitor Linda Kirwan, cannot be overemphasised.

4.2 Staff morale has naturally been affected by the fact that the Legal Services Regulation Bill provides for the transfer of substantial portions of the Regulatory Function of the Society to a proposed new Public Body. Although indications have been given by the Department of Justice that provision will be made for the existing staff of the Society in the new body, to date their position remains uncertain. Notwithstanding this, the level of service of the staff to the Committee remains excellent. (The Lay Members, in their Submission to the Minister on the Bill, specifically called for provision to be made in the Bill for the transfer of the relevant staff of the Law Society to the new Authority.) That submission concluded that:

“...on grounds of efficiency and effectiveness, the relevant staff of the Law Society should be transferred to the employment of the new Authority. There is nothing new about this and there are plenty of examples of such transfers taking place under the Transfer of Undertakings or other specific legislation.”

4.3 The workload of the Complaints Section is substantial and, while there has been some fall in complaints in the past couple of years, the level of activity is still very significant. All complaints commence in the Complaints and Client Relations Section which deals with approximately 85% of complaints. The complainant might not be happy with the recommendation of the Section in which case they are advised that they have the option of referring the matter to the Independent Adjudicator. The conclusions of the Section are not binding and complaints can be referred to the Complaints and Client Relations Committee. The Section’s focus is always on resolution.

4.4 For the past twelve years the Law Society’s Complaints and Clients Relations Section has been awarded the ISO 9001:2008 following the annual audit.

4.5 This award, year after year, from an entirely Independent Accrediting System is a considerable accolade for the Law Society’s Complaint handling Section and the Lay Members commend the Section on receiving this well earned recognition consistently.

4.6 The Audit for renewal of the award for 2015 took place in May 2015 and the Section was approved for continued registration for the twelfth year running.

5. **LAY MEMBERS REPORT ON THE STATISTICS PROVIDED BY THE COMPLAINTS AND CLIENT SECTION 2014/15**

Admissible Complaints

- 5.1 It is clear from the statistical report for 2014/15 that, while a substantial number of admissible complaints were received by the Complaints Section, the number (1,162) was a considerable reduction from 1,526 in 2013/14, 2,116 in 2012/13 and 2,453 in 2011/12. This somewhat masks the fact that the level of admissible Complaints has been affected significantly by the number of complaints about compliance with Undertakings given by Solicitors – mainly to financial undertakings in the context of the release of funds from these institutions to clients for purposes of property purchase, both homes and commercial. (See also Para. 5.23 *et seq.* below)
- 5.2 The following table shows the impact of complaints re undertakings on the total volume of complaints over the past 9 years:

Year	Complaints re Undertakings	Other Admissible Complaints	Total Admissible Complaints	Undertakings as % of Total
2006/07	231	1,231	1,462	15.8%
2007/08	565	1,177	1,742	32.4%
2008/09	614	1,140	1,754	35.0%
2009/10	1,134	983	2,117	53.6%
2010/11	1,647	975	2,622	62.8%
2011/12	1,732	721	2,453	70.6%
2012/13	1,288	828	2,116	60.9%
2013/14	703	823	1,526	46.1%
2014/15	475	687	1,162	40.9%

- 5.3 It can be seen that complaints re compliance with undertakings grew from a sizeable proportion of complaints to a veritable tsunami in the period 2009 to 2013 before beginning to fall off significantly over the past two years – albeit to significant absolute numbers still.
- 5.4 Other admissible complaints came down in 2014/15 to 687, a fall of 136 or 16.5% from the previous year. While the numbers of such complaints have varied somewhat over the past 9 years, it can be seen from the table above that they have fallen in every year except one and that the decline over time is clearly very significant – the fall from 2006/07 (1,231) to 2014/15 (687) is 544 or 44%.

- 5.5 While there are a variety of factors involved in this fall in complaints on matters other than undertakings, it is reasonable to deduce that some of the fall is attributable to the decline in economic activity generally as there has simply been less business for solicitors as a result so that the capacity for complaints to arise has, of necessity, fallen off. While the economy has recovered over the past couple of years, this has not given rise to an increase in complaints. This may be a reflection of the fact that there can be a lag between the occurrence of an event which gives rise to a complaint and the making of same. In addition, the fact that property transactions are not running at anything like the pre-crash level may be a factor here because of the degree of input by solicitors into same.¹ It would also seem to be reasonable to deduce that some of the fall is attributable to the increasing effectiveness of the Society's Regulatory system and the growing awareness of same amongst the profession as a whole.
- 5.6 It should be noted, of course, that absolute numbers of complaints do not tell the full story of the work of the Committee or of the Complaints Section as one complex case can take up much more time and effort than a number of more straightforward ones. It should be noted, as well, that the number of full-time solicitors in the Complaints Section was reduced from 5 to 4 in October, 2014.

Allegations of Excessive Fees

- 5.7 The number of complaints about the level of Fees is down from the previous year – from 128 to 78, a decrease of 50 or 39%. The figures for an individual year can distort the picture somewhat so that it can be useful to look at them over a longer period. The following table shows the figures for the past 9 years:

Year	Conveyancing	Probate	Litigation	Matrimonial	Other	Total
2006/07	30	17	58	40	34	179
2007/08	20	24	49	58	19	170
2008/09	25	37	66	43	28	199
2009/10	15	26	37	43	14	135
2010/11	15	19	39	32	13	118
2011/12	11	11	39	28	11	100
2012/13	4	14	27	21	18	84
2013/14	13	24	45	21	25	128
2014/15	6	12	28	14	18	78

¹ A crude indication of the change in property transactions may be gauged from figures for Changes in the Register in the Annual Reports of the PRA. In 2008, the number was 572,604 while it was 381,483 in 2014.

- 5.8 As can be seen, the number of complaints under this heading has fallen in most years. The reduction over time is significant – the fall from 2006/07 (179) to 2014/15 (78) is 101 or 56%. While any complaints alleging excessive fees are treated very seriously, the figures do provide something of a contrast with the popular, indeed populist, belief that this is a major source of complaint. The decline in the number of such complaints is all the more striking given the abrupt decline in economic circumstances in recent years which might have led one to expect that the level of complaints about fee levels would have increased rather than the reverse.

Allegations of Inadequate Professional Services

- 5.9 The number of complaints alleging Inadequate Professional Services has gone up slightly in the past year. They increased from 291 in 2013/14 to 302 in 2014/14, an increase of 11 or 4%.
- 5.10 The picture over a longer time scale is shown in the following table which sets out the picture for the past 9 years:

Year	Delay	Failure to communicate	Shoddy work	Other	Total
2006/07	216	129	135	38	518
2007/08	224	123	152	48	547
2008/09	172	78	132	35	417
2009/10	145	74	86	35	340
2010/11	99	58	103	41	301
2011/12	98	56	83	29	266
2012/13	125	82	64	43	314
2013/14	104	70	76	41	291
2014/15	103	75	92	32	302

- 5.11 In this case, again, the number of complaints has fallen over most years and the total number of complaints has fallen from 518 in 2006/07 to 302 in 2014/15, a reduction of 216 or 42%.
- 5.12 The breakdown of complaints about excessive fees and inadequate professional services by type does not suggest any particular growing problem as measured by complaints.
- 5.13 The comments made concerning the fall off in admissible complaints mentioned above should be seen as covering these specific issues as well as others.

Allegations of Misconduct

- 5.14 The total number of allegations of misconduct in 2014/15 was 782. This was a reduction of 325 or 29% on the figures for 2013/14.
- 5.15 In turn, the number of such complaints in 2013/14 had fallen from 1,718 in 2012/13, a reduction of 611 or 36%.
- 5.16 The following table shows the picture for the total number of misconduct allegations over the 9 years 2006/07 to 2014/15:

Year	Delay	Failure to communicate	Failure to Hand Over	Failure to Account	Under Taking	Conflict of Interest	Dishonesty or Deception	Witness Expenses	Advert-ising	Counsel's Fees	Other	Total
2006/07	9	133	178	71	231	18	15	11	5	n.a.	94	765
2007/08	12	88	148	68	565	25	14	4	2	n.a.	99	1,025
2008/09	13	80	128	105	614	32	19	2	11	n.a.	134	1,138
2009/10	8	60	104	88	1,134	22	12	2	3	n.a.	209	1,642
2010/11	5	56	92	102	1,647	16	9	4	8	n.a.	264	2,203
2011/12	3	50	80	70	1,732	11	7	4	4	40	86	2,087
2012/13	11	58	99	104	1,288	16	8	1	22	34	77	1,718
2013/14	9	36	125	84	703	18	7	3	70	7	45	1,107
2014/15	2	30	103	65	475	10	4	6	1	22	64	782

Complaints of Misconduct other than Undertakings

- 5.17 There is little point in analysing the above table because it is so significantly influenced by the figures related to undertakings which have, themselves, varied so significantly over the period.
- 5.18 Consequently, the issue of undertakings is disaggregated from the total figures and considered subsequently, separately from the other allegations of misconduct.
- 5.19 Allegations of misconduct - other than undertakings – over the 9 years 2006/07 to 2014/15 are summarised in the following table:

Year	Delay	Failure to communicate	Failure to Hand Over	Failure to Account	Conflict of Interest	Dishonesty or Deception	Other*	Total
2006/07	9	133	178	71	18	15	110	534
2007/08	12	88	148	68	25	14	105	460
2008/09	13	80	128	105	32	19	147	524
2009/10	8	60	104	88	22	12	214	508
2010/11	5	56	92	102	16	9	276	556
2011/12	3	50	80	70	11	7	134	355
2012/13	11	58	99	104	16	8	134	430
2013/14	9	36	125	84	18	7	125	404
2014/15	2	30	103	65	10	4	93	307

* “Other” includes Witness Expenses, Advertising and Counsel’s Fees. (Advertising is no longer within the scope of the CCRC. Figures for Counsel’s Fees were included in “Other” in earlier years and Witness Expenses tend to be small in number).

- 5.20 The number of complaints of misconduct other than undertakings has fallen over most years and the total number of complaints has fallen from 534 in 2006/07 to 307 in 2014/15, a reduction of 227 or 43%.
- 5.21 The breakdown of these complaints by type does not suggest any particular growing problem as measured by complaints.
- 5.22 The comments made concerning the fall off in admissible complaints mentioned above should be seen as covering these specific issues as well as others.

Complaints of Misconduct - Undertakings

- 5.23 Allegations of misconduct in the form of complaints about undertakings, grew at an exponential rate over the years 2006 to 2012. The following table shows the significance of Undertakings in relation to complaints of misconduct generally and, also, the numbers of Undertakings over the period 2006/07 to 2014/15:

Year	Total Misconduct Complaints	Under-Takings	Under-Takings % Total	Change Per Annum	% Change Per Annum
2006/07	765	231	30.2%	12	5.5%
2007/08	1,025	565	55.1%	334	144.6%
2008/09	1,138	614	54.0%	49	8.7%
2009/10	1,642	1,134	69.1%	520	84.7%
2010/11	2,203	1,647	74.8%	513	45.2%
2011/12	2,087	1,732	83.0%	85	5.2%
2012/13	1,718	1,288	75.0%	(444)	(25.6%)
2013/14	1,107	703	63.5%	(585)	(45.4%)
2014/15	782	475	60.7%	(228)	(32.4%)

Change 2005/06 to 2014/15	256	116.9%
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- 5.24 The Table virtually speaks for itself. The rise and rise of complaints about undertakings became almost inexorable, reaching a peak of 1,732 or 83% of all complaints alleging misconduct in 2011/12. It is a relief that there has been a significant fall in the past few years but this should not blind the reader to the fact that, even with these falls, complaints about undertakings still constituted 475 or 61% of all complaints of misconduct in 2014/15.
- 5.25 Such complaints have been a major contributory factor to the increase in referrals to the Solicitors' Disciplinary Tribunal. These are down significantly in 2014/15 (64) by comparison with 2013/14 (319), a decrease of 255 or 80%. However, the underlying trend has shown the extent to which references to the Tribunal have corresponded with the upsurge of complaints about undertakings – allowing for the fact that there is a time-lag between the making of a complaint and the reference to the Tribunal. Complaints that were referred by the committee to the Disciplinary Tribunal in 2013 and 2014 are now being heard by the tribunal. This means that the complaints section is still dealing with the consequences of the unprecedented number of complaints about undertakings and the correspondent increase in referrals to the tribunal

- 5.26 The following table shows the number of references to the Tribunal in three year blocks:

References to Disciplinary Tribunal				
Period	Number	Number p. a.	Increase Per Annum	
			No.	%
2006/07 to 2008/09	146	49		
2009/10 to 2011/12	434	145	96	197.3%
2012/13 to 2014/15	737	246	101	69.8%

- 5.27 Problems with compliance with undertakings are also at the root of many of the situations where solicitors have been the subject of six complaints or more because, unfortunately, a solicitor who has a problem with undertakings often tends to be a solicitor with problems about many undertakings.
- 5.28 In a recent Annual Report, the Lay Members described the scale of the problem with failure to comply with undertakings as “alarming”. The nature of the problem was described in detail along with the consequences for the Profession in terms of reputation and insurance costs and the way in which additional costs feed, inevitably, into legal fees.
- 5.29 In 2010/11, the consequences of this incubus on the profession was one of the major factors giving rise to the rescue of the Solicitors’ Mutual Defence Fund which will add more costs to the Profession as a whole, all because of what we have described in an earlier report as “a cavalier attitude to such undertakings on the part of a small minority of Solicitors”.
- 5.30 One could be forgiven for the seeing the problem of failure to comply with undertakings promptly almost as a type of hydra-headed monster which ate into the profession in so many places and ways.
- 5.31 While it is heartening to see that the scale of the problem has, at last, begun to fall, one cannot ignore that this problem continues to be a major concern of the Committee. In the vast majority of cases coming before the Committee, the undertakings are several years old and, in many cases, little or no action has been taken by the solicitors involved to comply with the undertakings. In addition, correspondence from the aggrieved parties (and, in some cases, the Society) has frequently been ignored or the subject of meaningless responses. The matter is further complicated by the fact that, in a number of instances, the solicitors involved have ceased to practice.

- 5.32 That this should continue to be the situation in circumstances where the problem has been very widely ventilated throughout the profession is quite extraordinary. One would have thought that solicitors involved with long standing undertakings would, by now, have taken steps to ensure that they were in compliance.
- 5.33 It is to be hoped that any remaining solicitors with long-standing undertakings will take steps, immediately, to put themselves into compliance with same. It is very much in their interests to do so as the problem will not go away.
- 5.34 Much of the problem might be mitigated if solicitors approached the lending agencies regarding their Undertakings, or at least reported progress on resolution. Indeed the lack of information from Solicitors on the status and/or progress of complaints either to the lending agency, the complainant or the Law Society make the complaint more serious.
- 5.35 The Lay Members are also conscious of the fact that the volume of complaints under this heading has put an enormous strain on the staff of the Society's Complaints Section. Solicitors concerned with long-standing undertakings which have not been complied with should surely be aware of this but then, if they are cavalier with the recipients of undertakings, one supposes that they have little regard for the consequences of their inaction for others either.
- 5.36 Financial Institutions also contribute to the problem by relying on the fact that failure to honour an undertaking is a conduct issue and that they can make a complaint to the Society notwithstanding the length of time that has elapsed since the undertaking was given. This frequently happens after a lengthy period of complete inaction by the financial institution.
- 5.37 In that context, an issue which arises is whether there should be some form of time limit on any new undertakings issued by Solicitors to Financial Institutions in the circumstances coming before the CCRC. There are arguments for and against such an approach, but it seems odd that a Financial Institution can accept such an undertaking from a Solicitor and take absolutely no action to enquire about compliance with same for a period of 10 years and then report it to the Law Society as a conduct issue for the Solicitor.
- 5.38 We have described the behaviour of some solicitors in respect of undertakings as cavalier. The behaviour of financial institutions cannot be rated any better. Perusing the complaints gives one an appalling insight of the utter lemming-like madness which consumed so many people in so many respects in the lead up to the economic collapse.

- 5.39 Examples of the extraordinarily reckless behaviour of financial institutions in granting some loans include a substantial mortgage for a couple in their late 70s and another for a person whose sole source of income was (and had been for some time) a means tested Social Welfare Assistance payment.
- 5.40 The Lay Members consider it worthwhile repeating a paragraph from an earlier report about the importance of undertakings:

A solicitor's undertaking to do something is central to many aspects of business and commercial activities. It is accepted as something akin to a "gold standard" and cannot be given lightly. If the concept of an undertaking were to be devalued, the consequences for business activity are unthinkable. It is therefore essential that the value of an undertaking be upheld, in the interests of clients, other people and institutions relying on undertakings and the vast majority of solicitors themselves. The Lay Members will continue to seek to ensure that undertakings are complied with and that appropriate disciplinary action is taken against offending solicitors.

- 5.41 Given that the number of complaints relating to Undertakings has considerably reduced, it might be appropriate for the Law Society to review the system with a view to considering the serious issues which have arisen from the practice. The Undertaking is intended to give reassurance to the client that the matter involved will be dealt with, to the financial institution involved that the implied debt will be honoured and to the Law Society that the Member will adhere to the desired standard of behaviour. In the event, none of these objectives have been achieved in hundreds of cases. The clients have been exposed to delay at best; the financial institutions have neglected to follow up on the Undertakings in some cases for more than a decade, (at which point the Practice may have closed) with the result that the Law Society has moved from being a Regulator to becoming a guarantor of last resort. There may not be an easy or immediate solution, but it deserves examination.

Sudden Closure of Practices

- 5.42 A problem which has been developing is the phenomenon of solicitors going out of business leaving clients high and dry. Solicitors have a responsibility, if they are going out of business, to provide for an orderly run down of the business and the protection of clients' interests in that context. Unfortunately, there has been a small, but growing, number of instances where this is not the case. In some cases, the "key simply seems to have turned in the door" with no preparation at all and with no provision being made for handover of clients' files. In some instances, there is great difficulty even in locating files.

- 5.43 This utter irresponsibility can have very serious consequences for clients and, while disciplinary action can be taken against the solicitors involved, unfortunately, as the law and regulations stand, there is little that the Law Society can do to protect clients' interests in such cases after the event. Some of them do not seek assistance either from colleagues and/or the Society until it is too late to help - with very serious consequences for their clients. The Law Society's Practice Closures Section will, as a last resort, step in to take custody of the files and arrange for their distribution to clients of the practice. This is an important function fulfilled by the Society. Each practice closure involves a considerable cost to the Society.
- 5.44 While it is probably impossible to eliminate the problem it is important to try to minimise the extent to which such situations arise. In most cases, the actual closure is not an act which comes out of the blue but is, rather, a culmination of events where the Solicitor simply eventually feels overwhelmed and vanishes. It would be desirable if the Law Society were to explore, within its powers, some form of early warning system informed by, for example, complaints history and type, accountant's investigations and, possibly, random file inspections. While this might involve additional cost, it might well be less expensive than allowing the Practice to collapse.

Solicitors Under Stress

- 5.45 In light of the number of solicitors both in practice and having ceased practice, who are obviously under considerable stress and, in many cases, under medical care, we would urge the Law Society to consider a more proactive intervention approach. While we recognise that there are services such as Lawcare available to those solicitors, however it is evident that solicitors concerned are often reluctant or unwilling to engage with them. A more proactive intervention, (such as retaining the services of some professional psychological or psychiatric help) would benefit the solicitors, their clients and the Law Society itself.

Section 68 Letters

- 5.46 A "Section 68 letter" is a requirement set out in Section 68 of the Solicitors (Amendment) Act 1994. It provides that a solicitor must provide a client with details in writing of:
- the solicitor's actual charges, or where this is not possible or practicable,
 - an estimate of the solicitor's charges, or where this is not possible or practicable,
 - the basis on which the solicitor's charges are to be made.

- 5.47 The purpose of this provision is to ensure that a client has some reasonable idea of what his/her exposure is going to be when he/she is considering whether to proceed with engaging a solicitor (or a particular solicitor). As such, it is a very important measure designed to protect the interests of clients.
- 5.48 Unfortunately, there are continuing problems with the implementation of this provision with some solicitors observing it more in the breach than the observance. The requirement to issue a “Section 68” letter has been in force since 1995. While one could expect some “teething problems” with the implementation of the requirement initially, it really is ridiculous that it continues to be a problem at this remove.
- 5.49 The Lay Members regard the requirement to provide a (meaningful) Section 68 letter - especially one which clarifies the cost implications of Court proceedings etc. - as a very serious matter which is designed to protect clients’ interests and will seek to take appropriate action in the case of any solicitor coming before the Committee who has not issued such a letter.
- 5.50 In this context, the Lay Members are very concerned that some Section 68 letters are so meaningless as to be devoid of any real meaning, even in circumstances where it should have been possible to provide a more meaningful letter. There is also a necessity to provide fresh Section 68 letters when a case which has started as a particular case grows and develops needing further action over and above that envisaged in the original engagement of the Solicitor and the Section 68 letter issued at the time. While the Law Society has a generalised Law Society pamphlet about fees which is to be given to a prospective client, the mere provision of same does not meet the requirements of Section 68. The pamphlet itself makes it clear that solicitors must *"give you (the client) the information in this leaflet and must also write down and give you details of how they will charge you in your particular case"*.
- 5.51 The Lay Members have noted that the Society published a detailed practice note on the implementation of Section 68 during the past year which should help with these problems.
- 5.52 The Legal Services Regulation Bill, as passed by the Dáil, has detailed provisions of a more elaborate nature which will replace the provisions of “Section 68”.

Probate

- 5.53 While the number of complaints concerning probate is relatively small, the anguish caused for beneficiaries where matters go wrong is severe. The most common problem lies in delays but, unfortunately, there are other problems as well such as insufficient (or inaccurate) details in Estate Accounts. These problems can be compounded by other issues such as the lack of Section 68 letters for residual beneficiaries, complaints about overcharging, provision for interest on monies held in client accounts and, most frequently of all, failure to keep executors and beneficiaries informed of developments. It is recognised that there can be very severe problems for solicitors in certain types of probate cases where there are complications such as significant and dispersed properties, property title complications, complex tax issues and, perhaps worst of all, family disputes over entitlements.
- 5.54 As well, there are detailed regulations regarding Witnessing Wills, acting as Executors and dealing with Probate with the attendant issues of cost and benefit to the solicitors, which, based on the experience of the Committee, need to be clearly set out for practitioners, since they appear to be breached quite regularly.
- 5.55 However, problems can arise even where the estate is relatively simple and, in the view of the Lay Members, many of these problems could be overcome by the provision of regular up-dates on progress in the administration of estates in simple language – at least to executors and preferably to all beneficiaries.
- 5.56 It may seem that too much is being made of these problems but it has to be remembered that the administration of probate is one of the few situations where many citizens have any contact at all with the legal profession throughout their entire lives and that they will, inevitably, form their impression of Solicitors as a whole based on this experience. It is, therefore, essential that administration of probate should be to the highest standard – both in the interests of beneficiaries and the profession as a whole.

Multiple Complaints

- 5.57 The issue of Solicitors against whom multiple complaints have been made is a continuing problem – many of these are related to the issue of Undertakings as mentioned above. The fact that Solicitors are the subject of multiple complaints is not, in itself, an indication of a problem since the complaints (or the bulk of same) could be found to be unsubstantiated. Unfortunately, the experience is otherwise.

- 5.58 The Statistical Report in Appendix II shows the number of Solicitors with more than five complaints. The small minority of solicitors who are persistent offenders are a danger to the general public who may become their clients. In addition, of course, they are a liability to the Profession as a whole as they tend to bring the profession into disrepute. The Lay Members are of the view that when the number of complaints that constitute “the multiple” are exceeded, it should warrant a visit from a senior member of the Complaints and Client Relations Section to the office of the solicitor to establish if there are underlying difficulties which can be addressed that will benefit both the clients and the solicitor and that active supervision should continue until the problem is resolved.
- 5.59 It is clear from the Statistical Report that the number of Solicitors who have multiple complaints against them has fallen rapidly over the past few years. The number of solicitors affected in 2012/13 came to 56. This fell to 35 in 2013/14 and 31 in 2014/15. Taking a longer perspective again, the annual average for the past three years has been 41 by comparison with 89 for the previous three years, a reduction of 48 or 54%. From a peak of 106 Solicitors in 2010/11, it has fallen each year since to a total of 31 in the past year. It should be noted that there is a considerable overlap between the Solicitors with complaints concerning compliance with undertakings and Solicitors who come into the category of multiple complaints so that one would expect the problem of multiple complaints to continue to decline with the decline in complaints concerning undertakings.
- 5.60 All clients who engage the services of a solicitor must be confident that they will receive the optimum level of service, in an efficient manner and in an acceptable time frame. Multiple complaints will be addressed in the context of the renewal of Practising Certificates in the New Year. This is an important function as it affords the Society an opportunity to take action in the case of Solicitors who have had several complaints so as to prevent their being a danger to potential clients.

Prompt Responses from Solicitors to Complaints

- 5.61 An issue which is of concern to the Lay Members is that some solicitors who are subject to complaints ignore correspondence from the Society re same or take an inordinate time to reply (or reply in a meaningful way).
- 5.62 This is a problem in itself in that it is unacceptable that members of the profession should feel free to ignore correspondence from their own professional body. Even worse, it is frequently a symptom of much more serious underlying problems.
- 5.63 The Lay Members consider that it would be appropriate to make more use of the powers available to the Committee in such cases (e.g. imposing costs on the solicitor).

Complaints by Solicitors against other Solicitors

- 5.64 Another factor which adds to the volume of complaints and workload of the Society is the tendency of some Solicitors to make complaints to the Society about other Solicitors – frequently in the same town or a neighbouring town – rather than dealing with these issues directly between themselves as colleagues.
- 5.65 The statistical appendix shows that the number of such complaints has fallen but this is, in fact, a reflection of the fall in problems arising from undertakings since most complaints made by financial institutions are, in fact, made on their behalf by solicitors.

6. **LEGAL SERVICES REGULATION BILL, 2011**

6.1. The Lay Members considered the provisions of this Bill and decided to make a submission to the Minister for Justice on the matter.

6.2. The context of the Submission made by the Lay Members was set out therein as follows:

2.1 *In deciding to make this submission, the Lay Members do not wish to become involved in the main areas of controversy which have developed around the Bill but, rather, would wish to concentrate on practical matters which have occurred to the Lay Members arising from their experience of the operation of the existing complaints system in respect of solicitors.*

2.2 *The prime concern of the Lay Members has been to ensure that the rights of clients are vindicated in the context of complaints against solicitors while, at the same time, ensuring that the solicitors against whom complaints are made are treated fairly and this is at the root of this submission.*

2.3 *Needless to say, the experience of the Lay Members is exclusively related to complaints relating to Solicitors and it is this experience which informs this submission.*

6.3. The Lay Members sent the Submission to the Minister for Justice on 1 May, 2012. The Lay Members indicated in the letter to the Minister we would be happy to meet with him or his officials to discuss the submission.

6.4. A copy of the Submission was also sent to the Clerk of the Joint Committee on Justice, Defence and Equality of the Oireachtas which is considering the Bill. The Lay Members indicated that they would be happy to attend on the Committee to discuss the submission.

6.5. Both the Minister and the Committee acknowledged the Submission shortly after that. The Lay Members have heard nothing further from either the Minister or the Committee since then – i.e. over three and a half years later.

6.6. The Bill is due at the Committee Stage in Seanad Éireann at the time of preparing this report. Assuming that the Bill is enacted, the CCRC of the Society, at least in its current form, would cease to exist so that this may be the final report of the lay members. As a result, a somewhat longer perspective of developments than normal has been adopted in preparing the report.

7. **OTHER OBSERVATIONS**

- 7.1 There are a number of other observations which have occurred to the Lay Members which are contained in this section.

Information on Solicitors for Potential Clients

- 7.2 One concerns information for potential clients. In our submission to the Minister for Justice and Equality on the Legal Services Regulation Bill, 2011 we stressed the need for information for potential clients so that they have some way of accessing information about the Solicitor they wish to engage rather than “flying dark”.
- 7.3 In that context, we suggested that that some steps should be taken to enable consumers to find out about the complaints record of solicitors (and barristers). We recognise that the Law Society publishes information on its web-site concerning decisions of the Solicitors Disciplinary Tribunal and the High Court where misconduct is established but it seems to the Lay Members that this does not go far enough.
- 7.4 We consider that the full record of complaints upheld at any stage in the complaints process should be published. In addition, restrictions placed on a solicitor in the context of the renewal of practising certificates need to be available. We would suggest that a member of the public should be able to access a web-site which lists all solicitors and sets out their full disciplinary record. Furthermore, it is considered that this information should be included in the details for each solicitor under the “Find a Solicitor” section.
- 7.5 In addition, information should be similarly available on solicitors who have ceased practising.
- 7.6 None of this is likely to have any impact, however, unless potential clients are aware of the fact that this information is actually available (and the same is true of the information currently published by the Law Society in the Gazette and on the Law Society website on findings of misconduct made by the Solicitors Disciplinary Tribunal). It is imperative that means be found to ensure that the general public are aware of the information available – whether the current information or the wider information proposed above.
- 7.7 The lay members of the Complaints and Client Relations Committee had previously made the following proposals to the Society:
- (a) The full record of complaints upheld at any stage in the complaints process should be published.

- (b) Restrictions placed on a solicitor in the context of the renewal of practising certificates should be published.
 - (c) This information regarding complaints and restrictions on practising certificates should be accessible through the Find a Solicitor facility.
 - (d) Similar information relating to solicitors who have ceased practice should be published and in the same way.
 - (e) Means should be found to ensure that the general public are aware of the information available.
- 7.8 It is understood that these proposals were considered by the Society who decided that such matters should be put on hold pending the enactment of the Legal Services Regulation Bill.
- 7.9 The matter was considered by the Plenary Meeting of the Complaints and Client Relations Committee these issues were raised again. While the Committee understood the reasons for this decision, it was decided to request the Society to reconsider the proposal in relation to the publication of restrictions on practising certificates with a view to the Law Society's taking steps to arrange for publication of such restrictions in the short-term regardless of the progress of the Legal Services Regulation Bill as this was of direct and significant importance in a decision by a client to engage a particular solicitor.
- 7.10 The Society subsequently approved the proposal that the online Find a Solicitor facility be amended to include publication of restrictions on practising certificates. Implementation may take a little time.
- 7.11 The Society's web-site includes a facility which enables a person to check the Disciplinary Record of a Solicitor before the Solicitors Disciplinary Tribunal and/or the High Court. The Lay Members noted that the web-site was not accurate in small number of cases. These were brought to the attention of the Society. The matter was, eventually, corrected.

Mediation

- 7.12 As mentioned above, the primary focus of the Committee is to seek to resolve matters by agreement between the complainant and the Solicitor involved. In that context, the Committee sometimes uses mediation in the form of a person liaising between the Solicitor and the complainant to seek to bring about a resolution.
- 7.13 It is considered that the Committee at, say, its Annual General Meeting, might give consideration to the preparation of guidelines leading to the greater use of such mediation in appropriate cases.

Guidelines for the better Conduct of CCRC Meetings

- 7.14 Guidelines for the conduct of meetings of the CCRC were drawn up during 2014 and have been published on the Society's Web-Site.
- 7.15 Guidelines have also been devised for attendees at meetings. These are sent to lay complainants when they are attending a meeting.

Publication of Annual Report of the Lay Members

- 7.16 The Lay Members are pleased to note that, at their request, the Annual Report of the Lay Members is published on the Society's web-site. The first such report published was for the year 2012/13.

8. **ACKNOWLEDGEMENTS**

- 8.1 We the Lay Members wish to express our sincere thanks to each and every member of the Complaints and Client Relations Section, for their commitment and dedication to duty and their assistance to us at all times. We wish to extend special thanks to Linda Kirwan, Senior Solicitor of the Section, who is always on hand for queries from Lay Members, and facilitating meetings if and when required. Without this continued support it would not be possible for Lay Members to ensure that the service provided continues to be client-centred, fair and equitable.
- 8.2 The solicitor members of the Committee, including the chairs, carry out their role in an exceptional and generous manner and it should be noted that their time is given on a purely voluntary basis.
- 8.3 As mentioned above, each Division is chaired by a solicitor member of the Committee. In this context we extend our sincere appreciation to Barry McCarthy, Chairperson, and Paul Egan and Geraldine Kelly, Vice Chairpersons and, also, to Michael Quinlan who took over the role when Geraldine Kelly was appointed to the Solicitors' Disciplinary Tribunal.
- 8.4 The Chairs have been unstinting in their application to the work of the Committee and, in particular, they make it clear that recognise and appreciate the contribution of the Lay Members. They ensure that the Lay Members have every opportunity to contribute to the discussions at the Committee and, also, facilitate the Lay Members in having maximum input into the decisions of the Committee

APPENDIX I**LIST OF LAY MEMBERS AS AT SEPTEMBER, 2015**

<u>Name</u>	<u>Nominated by</u>
Brian Callanan	IBEC
Michael Carr	IBEC
Ultan Courtney	IBEC
Frank Cunneen	IBEC
Vera Hogan	NCA
Michael Lynch	IBEC
John McDonnell	ICTU
Peter McLoone	ICTU
Lenore Mrkwicka*	ICTU
Chris Rowland	ICTU
Paddy Keating	ICTU
Thomas O'Sullivan	ICTU
Dan Murphy	ICTU

* On Secondment to the Regulation of Practice Committee

APPENDIX II**COMPLAINTS & CLIENT RELATIONS SECTION****Statistical Report 2014/2015**

(1 September, 2014 to 31 August, 2015)

The total number of new complaints received was **1,461**, of which 299 were deemed inadmissible, leaving a balance of **1,162 admissible complaints**. 1,318 complaints were carried forward, making **a total of 2,480 complaints** handled by the Complaints section during the year.

A further **758** files were opened by the Complaints and Client Relations section, representing a mix of queries and requests for information from members of the public and the profession, and records of direct applications made to the Disciplinary Tribunal by members of the public.

181 of the admissible complaints made last year were made by solicitors against their colleagues, a large proportion of which were made by solicitors acting on behalf of financial institutions.

268 complaints, many of which were made against the same solicitors, were referred to the Complaints & Client Relations Committee.

At year end, the status of complaints investigated during the year was:

	Closed	Under Investigation	Pending before CCRC/SDT*	Total
New complaints	663	452	47	1,162
Carried forward	777	435	106	1,318
Total	1,440	887	153	2,480

At the end of the previous year, the corresponding figures were:

	Closed	Under Investigation	Pending before CCRC/SDT*	Total
New complaints	957	517	52	1,526
Carried forward	1,198	624	125	1,947
Total	2,155	1,141	177	3,473

* Complaints and Client Relations Committee/Solicitors Disciplinary Tribunal

Breakdown of complaints

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Admissible Complaints	2,116	1,526	1,162	(364)	(23.9%)
Inadmissible Complaints	361	390	299	(91)	(23.3%)
Total	2,477	1,916	1,461	(455)	(23.7%)

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Allegations of Excessive fees	84	128	78	(50)	(39.1%)
Allegations of Inadequate Professional Services	314	291	302	11	3.8%
Allegations of Misconduct	1,718	1,107	782	(325)	(29.4%)
Total	2,116	1,526	1,162	(364)	(23.9%)

Excessive fees

Complaints alleging overcharging were broken down as follows:

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Conveyancing	4	13	6	(7)	(53.8%)
Probate	14	24	12	(12)	(50.0%)
Litigation	27	45	28	(17)	(37.8%)
Matrimonial	28	21	14	(7)	(33.3%)
Other	11	25	18	(7)	(28.0%)
Total	84	128	78	(50)	(39.1%)

Inadequate professional services

Complaints alleging Inadequate Professional services were broken down as follows:

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Delay	125	104	103	(1)	(1.0%)
Failure to communicate	82	70	75	5	7.1%
Shoddy Work	64	76	92	16	21.1%
Other	43	41	32	(9)	(22.0%)
Total	314	291	302	11	3.8%

Misconduct

Complaints alleging misconduct were broken down as follows:

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Delay	11	9	2	(7)	(77.8%)
Failure to communicate	58	36	30	(6)	(16.7%)
Failure to hand over	99	125	103	(22)	(17.6%)
Failure to account	104	84	65	(19)	(22.6%)
Undertaking	1,288	703	475	(228)	(32.4%)
Conflict of interest	16	18	10	(8)	(44.4%)
Dishonesty or Deception	8	7	4	(3)	(42.9%)
Witnesses Expenses	1	3	6	3	100.0%
Advertising	22	7	1	(6)	(85.7%)
Counsel's Fees	34	45	22	(23)	(51.1%)
Other	77	70	64	(6)	(8.6%)
Total	1,718	1,107	782	(325)	(29.4%)

Complaints & Client Relations Committee

Meetings

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Ordinary Meetings	20	22	19	(3)	(13.6%)
Plenary Meetings	1	1	1	0	0.0%
Special Meetings	4	1	1	0	0.0%
Total	25	24	21	(3)	(12.5%)

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Number of new matters referred	465	382	268	(114)	(29.8%)
Number of complainants invited to attend	9	11	2	(9)	(81.8%)
Costs levied	€34,850	€37,700	€27,200	(€10,500)	(27.9%)
Compensation orders	5	9	0	(9)	(100.0%)
Reprimands	7	7	6	(1)	(14.3%)
Referrals to Disciplinary Tribunal*	354	319	64	(255)	(79.9%)
*Subject to Stays of varying lengths	173	51	14		

Solicitors subject to Multiple Complaints

Practising Certificates

The Committee utilised the powers contained in the 2002 Solicitors (Amendment) Act which allow it to consider multiple complaints against the same solicitor, in relation to 7 different solicitors, as follows:

Practising certificate withheld pending outcome of High Court proceedings	2
Condition imposed restricting solicitor to practising as assistant solicitor	2
Conditions imposed (i.e. attendance at courses, undergo risk management audit, maintain Register of complaints)	2
Practising certificate issued without condition:	1
Total:	7

Case Completion
(Cases Received in the Year)

Category	2013/14		2014/15		Change 13/14 to 14/15	
	No.	%	No.	%	No.	%
Complaints Resolved	422	44.1%	356	53.7%	(66)	(15.6%)
No grounds for complaint But assistance provided	58	6.1%	44	6.6%	(14)	(24.1%)
Withdrawn	81	8.5%	51	7.7%	(30)	(37.0%)
Abandoned	11	1.1%	7	1.1%	(4)	(36.4%)
Rejected	178	18.6%	156	23.5%	(22)	(12.4%)
Recommendation made	8	0.8%	5	0.8%	(3)	(37.5%)
Direction made	16	1.7%	4	0.6%	(12)	(75.0%)
Referred to Disciplinary Tribunal	53	5.5%	5	0.8%	(48)	(90.6%)
Other	130	13.6%	35	5.3%	(95)	(73.1%)
Total	957	100.0%	663	100.0%	(294)	(30.7%)

Note: It is not possible to make comparisons with earlier years because of changes in the categorisation of the statistics.

Completion Times

Average Completion Times (Days)					
Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Per Case	88.5	90.7	67.1	(24)	(26.0%)

Year	2012/13	2013/14	2014/15	Change
Complaints Closed in less than				2013/14 to 2014/15
30 Days	248	311	235	(76)
	25.6%	32.6%	35.4%	2.9%
60 Days	226	174	148	174
	23.3%	18.2%	22.3%	4.1%
90 Days	120	110	105	(5)
	12.4%	11.5%	15.8%	4.3%
180 Days	231	196	126	(70)
	23.9%	20.5%	19.0%	(1.5%)
Other	143	164	49	(115)
	14.8%	17.2%	7.4%	(9.8%)
Total	968	955	663	(292)
	100.0%	100.0%	100.0%	0.0%

Note:

The “Completion Times” table is based on the complaints that were opened within the 12 months under review.

Source of Complaints

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
Complaints made by Solicitors	873	370	181	(189)	(51.1%)
Complaints made by Parties other than solicitors	1,243	1,156	981	(175)	(15.1%)
Total	2,116	1,526	1,162	(364)	(23.9%)

Year	2012/13	2013/14	2014/15	Change 2014/15
Complaints made by Solicitors	41.3%	24.2%	15.6%	(8.7%)
Complaints made by Parties other than solicitors	58.7%	75.8%	84.4%	8.7%
Total	100.0%	100.0%	100.0%	0.0%

Multiple Complaints (solicitors against whom more than 5 complaints have been made)

Year	2012/13	2013/14	2014/15	Change 13/14 to 14/15	
				No.	%
6 Complaints	16	8	7	(1)	(12.5%)
7 Complaints	10	3	3	0	0.0%
8 Complaints	6	2	6	4	200.0%
9 Complaints	6	4	2	(2)	(50.0%)
10 Complaints	3	3	3	0	0.0%
11 Complaints	2	3	2	(1)	(33.3%)
12 Complaints	1	0	0	0	n.a.
13 Complaints	2	2	1	(1)	(50.0%)
14 Complaints	0	3	2	(1)	(33.3%)
15 Complaints	0	0	1	1	n.a.
16 Complaints	1	0	0	0	n.a.
17 Complaints	3	1	1	0	0.0%
18 Complaints	0	2	0	(2)	(100.0%)
20 Complaints	0	0	1	1	n.a.
21 Complaints	1	0	1	1	n.a.
22 Complaints	1	1	0	(1)	(100.0%)
23 Complaints	1	1	0	(1)	(100.0%)
24 Complaints	0	0	1	1	n.a.
30 Complaints	1	0	0	0	n.a.
36 Complaints	1	0	0	0	n.a.
47 Complaints	0	1	0	(1)	(100.0%)
63 Complaints	0	1	0	(1)	(100.0%)
156 Complaints	1	0	0	0	n.a.
Total	56	35	31	(4)	(11.4%)

APPENDIX III

HEALTH SUPPORT AND ADVICE FOR LAWYERS

The Lay Members have consistently recorded their concern for practitioners who present before the Committee suffering from occupational stress and other related conditions. We acknowledge the provision made by the Law Society for appropriate service for their members and encourage further development in this area.

The initiative in providing help, support and advice for solicitors with the launch of LawCare was very much welcomed by the Lay Members. This support body offers a free and confidential service to solicitors with health issues, and related emotional difficulties, resulting from stress in their careers. The LawCare service is totally free, totally confidential, and available to all members of the legal profession, their immediate families and staff. All information on the above is available at www.lawcare.org.uk.

APPENDIX IV

CONSUMER INFORMATION ON MAKING A COMPLAINT ABOUT A SOLICITOR

The Complaints and Client Relations Section of the Society can assist a client who has a problem with their solicitor. The Complaints and Clients Relations Section investigates the following:

- Misconduct
- Inadequate professional services
- Excessive fees

Steps in making a complaint

1. Write to the solicitor. Explain your dissatisfaction and what you want the solicitor to do. Allow a reasonable time for the solicitor to reply. Copy this letter to the Senior Partner of the firm (if there is one).
2. If you do not get satisfaction, decide whether your complaint can be dealt with by the Society. If legal action is a more appropriate remedy, consult another solicitor. If you make a complaint and then take legal action, the investigation of the complaint may be deferred until the legal action is finalised.
3. If the Society can deal with your complaint, you should write to the Complaints and Client Relations Section, Law Society of Ireland, George's Court, George's Lane, North King Street, Dublin 7.
4. All complaints should be made on the relevant complaint forms which will assist you to formulate your complaint/s concisely. The forms are available from the Society and are also on the Society's web site www.lawsociety.ie (See below).
5. If you are making a complaint against more than one solicitor, you must lodge separate complaints.
6. Your complaint will be assigned to an investigating solicitor in the Complaints and Client Relations Section. The investigating solicitor first decides whether the Society can deal with your complaint. If so, a copy of your letter will be sent to the solicitor. The solicitor will be asked to comment.

7. You will be sent a copy of the solicitor's response from the Society. If the Society is satisfied that the solicitor's explanations are reasonable, you will be informed that the Society will not intervene or the investigating solicitor will continue to investigate the complaint and may ask you for further comments.
8. The investigating solicitor will try to resolve your difficulties. The solicitor may be requested to take action to remedy the situation.
9. If the problems cannot be resolved, the investigating solicitor may ask the **Complaint and Client Relations Committee** to look at the complaint.
10. The Complaint and Client Relations Committee will consider the complaint based on the investigations carried out by the Complaints and Client Relations Section.
11. The Committee may interview the solicitor. There is no necessity for you to attend the committee meeting. However, you are entitled to attend the committee meeting if you so desire in which case you must inform the investigating solicitor so that arrangements can be made for your attendance. You may be legally represented. The Committee will try to effect a resolution to the complaint acceptable to you and the solicitor.
12. If a resolution is not possible the Committee may uphold or reject the complaint.
13. The Committee may direct the solicitor concerned to take certain steps:
 - instruct a solicitor to reduce, waive or refund fees to the client
 - direct a solicitor to rectify any error, omission or deficiency in the services provided
 - direct a solicitor to take such other action in the interest of the client as the Committee may specify
 - issue a reprimand to a solicitor
 - require a solicitor to make a payment (not exceeding €3,000) as a contribution towards the costs of the investigation
 - require a solicitor to make a payment (not exceeding €3,000) for any financial or other loss suffered by the client in consequence of any such inadequacy in the legal services provided.
14. If you are unhappy with how your complaint was handled by the Society you can refer your complaint to the:
 - (a) Independent Adjudicator of the Law Society; or
 - (b) Solicitors' Disciplinary Tribunal.

Independent Adjudicator of the Law Society

You can write to the **Independent Adjudicator** who can look at your file once the Society has finished its investigation, and if she is dissatisfied with the way in which the investigation was conducted she can direct that the matter be reopened.

Contact details for the Adjudicator: Carol Ann Casey, Independent Adjudicator of the Law Society, 26 Upper Pembroke Street, Dublin 2. Telephone: 01 6620457.

Solicitors' Disciplinary Tribunal

Alternatively you can bring your complaint directly to the Disciplinary Tribunal at any time. The Tribunal deals only with allegations of misconduct. You do not have to deal with the Complaints and Clients Section first. If you lodge a complaint with the Tribunal while an investigation by the Society is ongoing, the Society's complaint file will be closed. (Reference Law Society of Ireland's booklet, Complaints About Solicitors).

An information leaflet and application form is available from the Clerk of the Disciplinary Tribunal, The Friary, Bow Street, Dublin 7. Telephone: 018690766.

The Law Society of Ireland

COMPLAINT FORM

We recommend that you read the attached information leaflet “Complaints about solicitors” before completing this form. If you have any difficulty in completing this form, you might consider contacting your nearest Citizens Information Services (C.I.S.) Centre for assistance. Please tick this box when you have read our information leaflet:

☐

Part 1

YOUR PERSONAL DETAILS

Mr/ Mrs/ Ms: _____

First name: _____

Surname: _____

Address: _____

Telephone: _____ **Mobile: (optional)** _____

Email address: (optional) _____

I request the Law Society to investigate my complaint and consent to this form being copied to the solicitor. I confirm that my solicitor may disclose details concerning this complaint or any information pertinent to the matter to the Law Society

Signed: _____

Name (in block capitals): _____

Date: _____

Send this completed form to:

**Complaints and Client Relations Section,
Law Society of Ireland,
George’s Court, George’s Lane,
Dublin 7**

We cannot investigate your complaint if you do not sign and date the form.

Part 2

THE SOLICITOR YOU ARE COMPLAINING ABOUT

If you wish to complain about more than one solicitor, you will need to complete a separate form for each solicitor.

If the solicitor you are complaining about is a solicitor who represents someone else, we may not be able to help – please see our information leaflet or consult our website www.lawsociety.ie.

Name of the solicitor: _____

Name of the firm: _____

Firm's address: _____

Have you made your complaint directly to the solicitor or notified him of your intention to complain to the Society? *[If so, please furnish details. If not, we suggest you consider doing so before proceeding with this complaint]* _____

Have you written previously to the Society about this matter? _____

If so, when? Please furnish our reference, if available.

If you are making a complaint of behalf of another person, that person must sign here:

I, _____ confirm that this complaint is made on my
(Insert name in block capitals here)
behalf and with my consent, and I authorise the Society to correspond with the person named
in Part 1 above. I am aware that a copy of this complaint will be sent to my solicitor.

Signed: _____

Part 3

THE LEGAL SERVICES PROVIDED

If you are complaining about the administration of an estate, please ignore this page.

What was the solicitor instructed to do? (e.g. personal injury claim, family law matter,
buying or selling property) _____

When were the services provided? (approximate dates are sufficient) _____

**Did your solicitor send to you any written information about the cost of the work? If so,
please furnish a copy.** _____

Is the work finished? If so, when? _____

**If you are making a complaint about the services provided by your solicitor, when did
you first become aware of the problem?** _____

Have you paid your solicitor? If so please furnish details of payments made. _____

Has your solicitor issued any legal proceedings against you? If so, please furnish a copy.

Part 4

SUMMARY OF YOUR COMPLAINT

*It would be helpful if you could set out your complaint/s in a **concise manner**. If you have more than one complaint, please list them in numbered paragraphs. Extra pages may be added if necessary. Please attach copies (not originals) of any **relevant documents**. If your complaint is about fees, please attach a copy of the bill, if you received one.*

[illegible]

Part 5

COMPLAINT ABOUT THE ADMINISTRATION OF AN ESTATE

Name of the person who died: _____

Date of death: _____

Did the deceased leave a Will?: _____

Name of the Executor or Administrator: _____

Are you entitled to a share of the estate?: _____

When was the solicitor instructed? (approximate dates are sufficient): _____

Did the solicitor issue any written information about the cost of the work to you or any other person connected with the estate? If so, please furnish a copy. _____

Is the work finished? If so, when? _____

Has the solicitor been paid? If so, please furnish details of payments made. _____

Part 6

What do you hope to achieve by making this complaint?
