

LAW SOCIETY OF IRELAND

Complaints

and

Client Relations Committee

Annual Report

of

Lay Members

Year 2013 – 2014

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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 seven support positions which are filled by eleven 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 While staff morale has naturally been affected by the fact that the Legal Services Regulation Bill, which provides for the transfer of substantial portions of the Regulatory Function of the Society to a proposed new Public Body but makes no provision whatever for the existing staff of the Society who would be displaced as a result, 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 In this context the Lay Members, in consideration of the enormous workload of the Section, believe that an increase in their numbers is warranted at this time. The workload is very large and, while there has been some fall in complaints in the current year by comparison with the previous year, 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 eleven 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 2014 took place at the end of May and the Section was approved for continued registration for the tenth year running.

5. **LAY MEMBERS REPORT ON THE STATISTICS PROVIDED BY THE COMPLAINTS AND CLIENT SECTION 2013/14**

Admissible Complaints

- 5.1 It is clear from the statistical report for 2013/14 that a large number of admissible complaints were received by the Complaints Section. While the number fell to 1,526 in 2013/14 from 2,116 in 2012/13 and 2,453 and 2,622 in the previous two years, this 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. 5.11 *et seq.* below)
- 5.2 The following table shows the impact of complaints re undertakings on the total volume of complaints over the past 8 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%

- 5.3 It can be seen that complaints re compliance with undertakings grew from a sizeable proportion of complaints to a veritable tsunami over the past few years before beginning to fall off again – albeit to very significant absolute numbers still.
- 5.4 Other admissible complaints have come down somewhat but continue to run to a considerable volume of work. One might expect some fall off in complaints with the economic downturn 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. It should be noted as well, 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 has been reduced from 5 to 4.

Allegations of Excessive Fees

- 5.5 The number of complaints about the level of Fees is up on the previous year – from 84 to 128, an increase of 44 or 52%. 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. For the three years 2008/2011 the average number of complaints was 151. In the most recent three years (2011/2014), the average has fallen to 104, a fall of 47 or 31%. 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

- 5.6 The number of complaints alleging Inadequate Professional Services has gone down in the past year. They fell from 314 to 291, a reduction of 23 or 7%. Over the three years 2008/2011 the average number of complaints was 353. In the most recent three years (2011/2014), the average has fallen to 290, a fall of 63 or 18%.
- 5.7 The breakdown of complaints about excessive fees and inadequate professional services by type does not suggest any particular growing problem as measured by complaints.
- 5.8 It may, of course, be that some of the fall in complaints is influenced by a lower level of economic activity in recent years due to the economic crisis which has given rise to a lower level of legal activity as well as other activities.

Allegations of Misconduct

- 5.9 As mentioned above, complaints in the form of allegations of misconduct have been dominated by complaints alleging that solicitors have not complied with undertakings. Complaints of misconduct other than those concerning undertakings fell in the past year by comparison with the preceding year. The number in 2012/13 was 430 which fell to 404 in 2013/14, a reduction of 26 or 6%. Over the three years 2008/2011 the average number of complaints was 529. In the most recent three years (2011/2014), the average has fallen to 396, a fall of 133 or 25%.
- 5.10 The breakdown of complaints about misconduct other than undertakings by type does not suggest any particular growing problem as measured by complaints.

Undertakings

- 5.11 By contrast, allegations of misconduct in the form of complaints about undertakings, grew at an exponential rate over the years 2006 to 2012 as can be seen from the table at Para 5.2 above. At long last, they have begun to fall. They fell from the 2011/12 peak of 1,732 complaints – over 70% of **all admissible complaints (not just misconduct complaints)** in that year to 1,288 in 2012/13 and 703 in the past year.
- 5.12 While this fall is welcome and long overdue, it should not blind us to the fact that the undertakings problem is still a major issue. Even with the falls in the past two years, undertakings still represented 46% of all admissible complaints in 2013/14.
- 5.13 Over the three years 2008/2011 the average number of complaints was 1,132. In the most recent three years (2011/2014), the average increased to 1,241, an increase of 109 or 10%. (The increase in the second three year period is attributable to the fact that the extreme peak year of 2011/12 is included in that period).
- 5.14 Such complaints have been a major contributory factor to the increase in referrals to the Solicitors' Disciplinary Tribunal. While these are down somewhat in 2013/14 by comparison with the previous year from 354 to 319, a decrease of 35 or 10%, the underlying trend shows a significant increase which highlights the seriousness of the problem. Over the three years 2008/2011 the average number of referrals to the Tribunal per annum was 127. In the most recent three years (2011/2014), the average increased to 263, an increase of 136 or 107%.
- 5.15 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.
- 5.16 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.
- 5.17 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”.

- 5.18 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 an increasing number of instances, the solicitors involved have ceased to practice. 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.
- 5.19 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.
- 5.20 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.
- 5.21 The Lay Members are also conscious of the fact that the volume of complaints under this heading is putting 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.
- 5.22 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 inaction by the financial institution.
- 5.23 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.

- 5.24 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.
- 5.25 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.
- 5.26 Finally, on this subject, 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.

Sudden Closure of Practices

- 5.27 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.
- 5.28 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.

- 5.29 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.
- 5.30 In addition, consideration might be given to the possibility of the Law Society's requiring solicitors to hold some form of Performance Bond with the Society. This could be linked to, or be included as an integral part of, the solicitor's Professional Indemnity Insurance, so that if a solicitor closed his or her practice in an unplanned fashion, there would be automatic insurance cover for a given period. If such a condition were to be applied to all solicitors then the additional cost could be spread and given this is a relatively rare occurrence the additional cost need not be excessive. The details would be a matter for consideration and might include the possibility of a refund at the time of closure of a practice where such closure is in accordance with the norms of the Law Society.

Solicitors Under Stress

- 5.31 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, perhaps based on an approach similar to that mentioned in the previous paragraph, would benefit the solicitors, their clients and the Law Society itself.

Section 68 Letters

- 5.32 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.

- 5.33 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.
- 5.34 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.
- 5.35 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.
- 5.36 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"*.

Probate

- 5.37 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.

- 5.38 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.
- 5.39 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

- 5.40 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.
- 5.41 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.
- 5.42 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 the past year, a reduction of 21 or 38%. Taking a longer perspective again, the annual average for the past three years has been 58 by comparison with 76 for the previous three years, a reduction of 17 or 23%. From a peak of 104 Solicitors in 2010/11, it has fallen each year since to a total of 35 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.

- 5.43 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 need to be addressed in the context of the renewal of Practising Certificates in the New Year.

Prompt Responses from Solicitors to Complaints

- 5.44 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).
- 5.45 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.
- 5.46 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

- 5.47 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.
- 5.48 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 two and a half years ago.

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 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 have noted that the web-site is not accurate in small number of cases. These were brought to the attention of the Society. One of these was brought to attention in February of 2014. It is a matter of regret and concern that, despite this, the Web-Site had not been corrected by October.

Solicitors (Advertising) Regulations (S.I. No.518 of 2002)

- 7.12 From the volume of referrals received by the CCRC concerning breaches of the Advertising Regulations it is apparent that some solicitors are ignoring these Regulations. The number of such referrals has grown very significantly in recent years – from 4 in 2011/12 to 22 in 2012/13 and 70 in 2013/14. The Lay Members have been very concerned at some of the complaints presented and registered their concern in discussion at the division.

- 7.13 It is imperative that the public are protected from Solicitors who use anonymous websites to secure clients. Some of these websites do not give the name of the solicitor. There are websites which function on the basis that the potential client completes an inquiry form which generates a call back from the Solicitors who use the websites. Some websites have a 24 hour helpline and operate 365 days of the year.
- 7.14 These websites are in clear breach of the Regulations.
- 7.15 In February 2012 General Guidance Notes were published in the Law Society Gazette on the Solicitors (Advertising) Regulations. However, serious breaches have continued and a number of solicitors before the Committee complained that there was not enough guidance in this area.
- 7.16 The Lay members acknowledge the action of the President of the Law Society, in approving the new Advertising Regulation Division of the Society' Regulation of Practice Committee at its July 2014 meeting. The inaugural meeting of the new division will be held on the 5th November next and it is envisaged that the committee will meet on a monthly basis initially. Two Lay members have been appointed to the new division.
- 7.17 Since the Regulation of Practice Committee will have responsibility for enforcement of the Advertising Regulations in future, the Lay Members of the CCRC are reluctant to comment further on the matter. The Lay Members had suggested that the Society might consider the possibility of nominating a person specifically to deal with the issue of advertising, and that the matter might also be raised in the education programme through seminars, etc. It is noted that the Society created a new temporary position specifically for the purpose of dealing with advertising breaches.

Mediation

- 7.18 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.
- 7.19 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

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

Publication of Annual Report of the Lay Members

- 7.22 The Lay Members are pleased to note that, at their request, the Annual Report of the Lay Members is now 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 Richard Hammond and Paul Egan, Vice Chairpersons.
- 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, 2014**

<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
Dan Murphy	ICTU

Three new Lay Members nominated by ICTU (Patrick Keating, Thomas O’Sullivan and Chris Rowland) were appointed by the Council of the Society in November.

APPENDIX II**COMPLAINTS & CLIENT RELATIONS SECTION****Statistical Report 2013/2014**

(1 September, 2013 to 31 August, 2014)

The total number of new complaints received was **1,916**, of which 390 were deemed inadmissible, leaving a balance of **1,526 admissible complaints**. 1,947 complaints were carried forward, making **a total of 3,473 complaints** handled by the Complaints section during the year.

A further **940** 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.

370 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.

382 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	957	517	52	1,526
Carried forward	1,198	624	125	1,947
Total	2,155	1,141	177	3,473

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

	Closed	Under Investigation	Pending before CCRC/SDT*	Total
New complaints	968	1,016	132	2,116
Carried forward	1,176	702	129	2,007
Total	2,144	1,718	261	4,123

* Complaints and Client Relations Committee/Solicitors Disciplinary Tribunal

Breakdown of complaints

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
Admissible Complaints	2,453	2,116	1,526	(590)	(27.9%)
Inadmissible Complaints	360	361	390	29	8.0%
Total	2,813	2,477	1,916	(561)	(22.6%)

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
Allegations of Excessive fees	100	84	128	44	52.4%
Allegations of Inadequate Professional Services	266	314	291	(23)	(7.3%)
Allegations of Misconduct	2,087	1,718	1,107	(611)	(35.6%)
Total	2,453	2,116	1,526	(590)	(27.9%)

Excessive fees

Complaints alleging overcharging were broken down as follows:

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
Conveyancing	11	4	13	9	225.0%
Probate	11	14	24	10	71.4%
Litigation	39	27	45	18	66.7%
Matrimonial	28	28	21	21	75.0%
Other	11	11	25	18	163.6%
Total	100	84	128	44	52.4%

Inadequate professional services

Complaints alleging Inadequate Professional services were broken down as follows:

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
Delay	98	125	104	(21)	(16.8%)
Failure to communicate	56	82	70	(12)	(14.6%)
Shoddy Work	83	64	76	12	18.8%
Other	29	43	41	(2)	(4.7%)
Total	266	314	291	(23)	(7.3%)

Misconduct

Complaints alleging misconduct were broken down as follows:

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
Delay	3	11	9	(2)	(18.2%)
Failure to communicate	50	58	36	(22)	(37.9%)
Failure to hand over	80	99	125	26	26.3%
Failure to account	70	104	84	(20)	(19.2%)
Undertaking	1,732	1,288	703	(585)	(45.4%)
Conflict of interest	11	16	18	2	12.5%
Dishonesty or Deception	7	8	7	(1)	(12.5%)
Witnesses Expenses	4	1	3	2	200.0%
Advertising	4	22	70	48	218.2%
Counsel's Fees	40	34	7	(27)	n.a.
Other	86	77	45	(32)	(41.6%)
Total	2,087	1,718	1,107	(611)	(35.6%)

Complaints & Client Relations Committee

Meetings

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
Ordinary Meetings	22	20	22	2	10.0%
Plenary Meetings	1	1	1	0	0.0%
Special Meetings	1	4	1	(3)	(75.0%)
Total	24	25	24	(1)	(4.0%)

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
Number of new matters referred	411	465	382	(83)	(17.8%)
Number of complainants invited to attend	10	9	11	2	22.2%
Costs levied	€23,750	€34,850	€37,700	€2,850	8.2%
Compensation orders	3	5	9	4	80.0%
Reprimands	15	7	7	0	0.0%
Referrals to Disciplinary Tribunal*	116	354	319	(35)	(9.9%)

* 51 of the referrals for 2013/14 are subject to a stay of varying lengths. Included in the total of 354 Cases referred to the Tribunal in the year 2012/13 were 173 complaints involving undertakings referred to the Tribunal subject to a stay. The figure for 2011/12 includes cases referred with a stay for that year.

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 16 different solicitors, as follows:

Practising certificate issued subject to undertaking	1
Condition imposed restricting solicitor to practising as assistant solicitor:	2
Conditions imposed (e.g. attendance at courses, undergo risk management audit, maintain Register of complaints)	9
Practising certificate withheld pending receipt of medical Report:	1
Practising certificate refused:	3
Total:	16

Case Completion
(Cases Received in the Year)

Year	2013/14	
Complaints Resolved	422	44.1%
No grounds for complaint But assistance provided	58	6.1%
Withdrawn	81	8.5%
Abandoned	11	1.1%
Rejected	178	18.6%
Recommendation made	8	0.8%
Direction made	16	1.7%
Referred to Disciplinary Tribunal	53	5.5%
Other	130	13.6%
Total	957	100.0%

Note: It is not possible to make comparisons from year to year because of changes in the categorisation of the statistics from one year to another.

Completion Times

Average completion time for 2013/14: 90.70 days (88.64 days for 2012/13)

Year	2011/12	2012/13	2013/14	Change
Complaints Closed in less than				2012/13 to 2013/14
30 Days	287	248	311	63
	26.0%	25.6%	32.6%	6.9%
60 Days	228	226	174	174
	20.7%	23.3%	18.2%	(5.1%)
90 Days	157	120	110	(10)
	14.2%	12.4%	11.5%	(0.9%)
180 Days	260	231	196	(35)
	23.6%	23.9%	20.5%	(3.3%)
Other	172	143	164	21
	15.6%	14.8%	17.2%	2.4%
Total	1,104	968	955	(13)
	100.0%	100.0%	100.0%	0.0%

Note:

The apparent increase in the time it takes to complete a case is a function of the increase in the number of cases being referred to the Solicitors' Disciplinary Tribunal. Until recently, a Complaints Section file remained open when a matter was referred to the Disciplinary Tribunal. A case that is so referred may not be finalised for a number of years for various reasons, but the Complaints Section no longer has any control of the matter. As can be seen from the statistics of referrals to the Tribunal, the number of referrals has increased significantly over recent years and, consequently, average completion times have been affected. Files are now being marked as closed as soon as they are referred to the Tribunal. The "Completion Times" table is based on the complaints that were opened within the 12 months under review – 1 Sep 2013 to 31 Aug 2014. The number of referrals to the Tribunal is the total number referred, regardless of when the complaint was opened. A considerable number of the complaints that were referred to the Tribunal during the year (and marked closed at the date of referral) were opened in the previous year, and therefore would not be captured in the "Completion Times" table. If the table captured all the complaints that were closed during the year, irrespective of when they were opened, the average completion time would be much lower.

Source of Complaints

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
Complaints made by Solicitors	1,729	873	370	(503)	(57.6%)
Complaints made by Parties other than solicitors	724	1,243	1,156	(87)	(7.0%)
Total	2,453	2,116	1,526	(590)	(27.9%)

Year	2011/12	2012/13	2013/14	Change 2013/14
Complaints made by Solicitors	70.5%	41.3%	24.2%	(17.0%)
Complaints made by Parties other than solicitors	29.5%	58.7%	75.8%	17.0%
Total	100.0%	100.0%	100.0%	0.0%

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

Year	2011/12	2012/13	2013/14	Change 12/13 to 13/14	
				No.	%
6 Complaints	17	16	8	(8)	(50.0%)
7 Complaints	13	10	3	(7)	(70.0%)
8 Complaints	11	6	2	(4)	(66.7%)
9 Complaints	8	6	4	(2)	(33.3%)
10 Complaints	6	3	3	0	0.0%
11 Complaints	5	2	3	1	50.0%
12 Complaints	2	1	0	(1)	(100.0%)
13 Complaints	3	2	2	0	0.0%
14 Complaints	2	0	3	3	n.a.
16 Complaints	2	1	0	(1)	(100.0%)
17 Complaints	0	3	1	(2)	(66.7%)
18 Complaints	4	0	2	2	n.a.
19 Complaints	2	0	0	0	n.a.
20 Complaints	2	0	0	0	n.a.
21 Complaints	0	1	0	(1)	(100.0%)
22 Complaints	1	1	1	0	0.0%
23 Complaints	0	1	1	0	0.0%
25 Complaints	1	0	0	0	n.a.
26 Complaints	0	0	0	0	n.a.
27 Complaints	1	0	0	0	n.a.
30 Complaints	0	1	0	(1)	(100.0%)
33 Complaints	1	0	0	0	n.a.
36 Complaints	1	1	0	(1)	(100.0%)
47 Complaints	0	0	1	1	n.a.
55 Complaints	1	0	0	0	n.a.
63 Complaints	0	0	1	1	n.a.
69 Complaints	1	0	0	0	n.a.
156 Complaints	0	1	0	(1)	(100.0%)
Total	84	56	35	(21)	(37.5%)

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?
