



COMPLAINTS ABOUT SOLICITORS

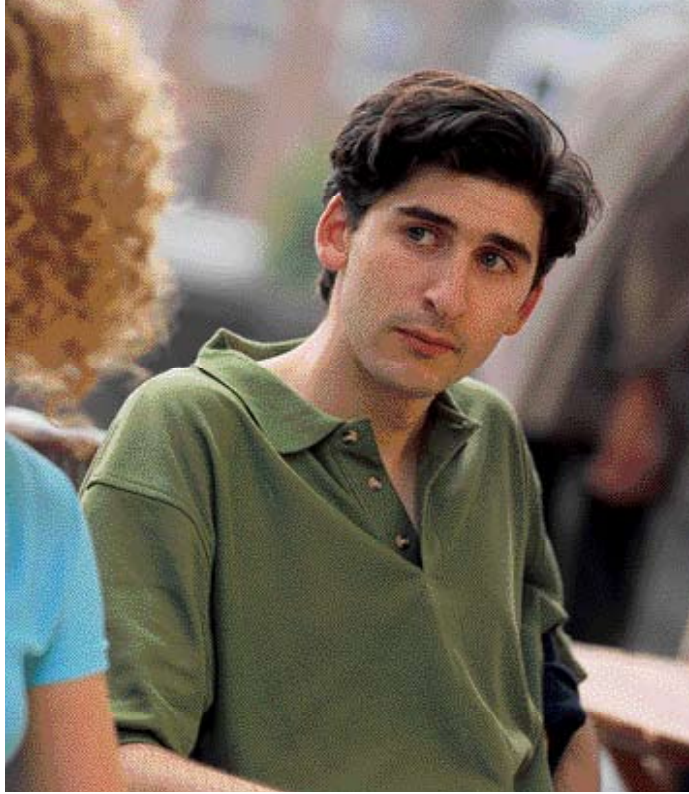


HOW THE
LAW SOCIETY
CAN HELP YOU



Law Society of Ireland

The Law Society of Ireland (the Society) is the regulatory body for solicitors. The Society can help with a complaint about a solicitor.



This leaflet explains the Society's procedures for dealing with complaints and what to do if you wish to complain about your solicitor.

CAN THE LAW SOCIETY HELP YOU?

The Complaints and Client Relations Section of the Society can help if you have a problem with your solicitor. The Complaints and Client Relations Section investigates:

- ✓ **misconduct***
- ✓ **inadequate professional services***
- ✓ **excessive fees***

***WHAT IS MISCONDUCT?**

Misconduct is defined in the *Solicitors Acts*. Examples of misconduct include conflict of interest, breach of an undertaking and failure to communicate.

WHO CAN MAKE A COMPLAINT?

The general rule is that complaints can only be made by or on behalf of **a client** about their own solicitor. However, there are **exceptions**.*

The Complaints and Client Relations Section can tell you whether you can make a complaint. You can nominate another person to deal with a complaint on your behalf. You will need to authorise that person in writing.

*WHAT ARE INADEQUATE PROFESSIONAL SERVICES?

Since 1994, the Society can deal with complaints of inadequate professional services. Section 8 of the *Solicitors (Amendment) Act, 1994* defines inadequate professional services. The services must be:

- inadequate in any material respect, and
- not of a quality that could reasonably be expected

The Society can't deal with complaints about services provided more than five years ago.

In some cases of inadequate professional services, the solicitor may be asked to refund/waive all or part of his fee.

*WHAT ARE EXCESSIVE FEES?

By law, solicitors are obliged to furnish information about their costs in writing. The Society publishes a leaflet on solicitors' charges which is available from the Society on request.

If you are unhappy with your solicitor's bill, you have two options:

1. make a complaint to the Complaints and Client Relations Section, or
2. have your bill taxed (see page 10)

If you go to the Complaints and Client Relations Section, the usual complaints procedure is followed. The Complaints and Client Relations Section will determine whether the solicitor's fee is excessive. The bill must have issued less than five years ago. It does not matter whether you have paid your solicitor's bill. If the fee is excessive, the solicitor may have to refund/waive all or part of his fee.

The Complaints and Client Relations Section can't look at the complaint if you have already requested your solicitor to tax the costs.

*EXCEPTIONS

There are exceptions. For example, the Society can deal with a complaint if:

- your own solicitor endorses your complaint
- you are a beneficiary of an estate and you want to complain about the solicitor who is administering the estate
- a solicitor is making a complaint about another solicitor
- a bank complains that a solicitor has not complied with an undertaking
- there is clear prima facie evidence of fraud or illegality

INADEQUATE PROFESSIONAL SERVICES -V- NEGLIGENCE

IPS (or shoddy work) arises where the legal services fall short of reasonable standards but do not cause financial losses or other serious adverse effects.

The society can order the payment of compensation up to a limit of €3,000, in some circumstances. However, if you maintain that as a result of your solicitor's negligence you are entitled to damages or compensation, you should consult an independent solicitor. There are strict time limits attaching to claims for negligence, and therefore it is important that you obtain independent advice as soon as possible.

If the Society can deal with your complaint, write to:

*Complaints and
Client Relations Section
Law Society of Ireland
George's Court,
George's Lane,
North King Street,
Dublin 7.*

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.

3

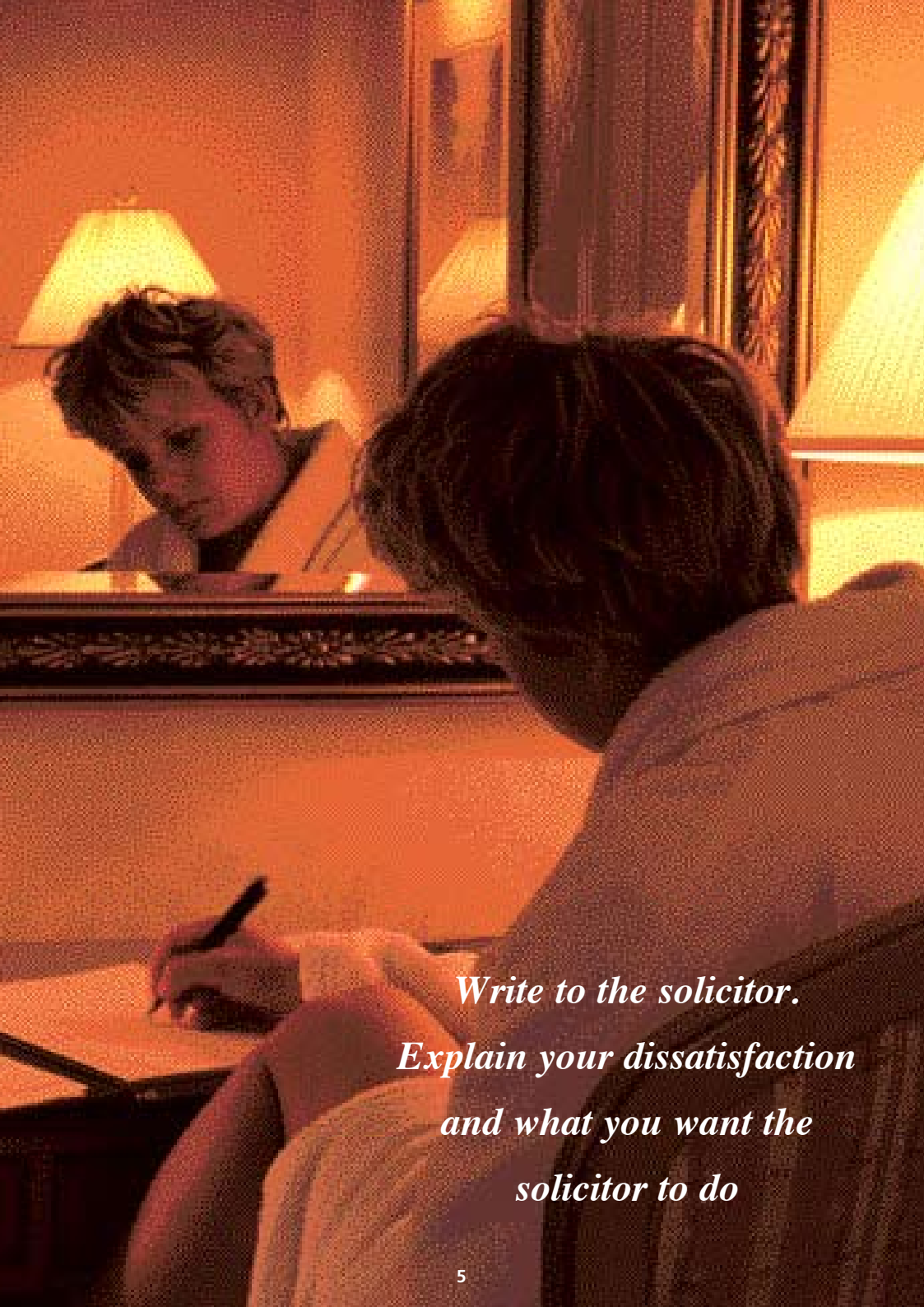
If the Society can deal with your complaint, write to: *Complaints and Client Relations Section, Law Society of Ireland, George's Court, George's Lane, North King Street, Dublin 7.* If you have more than one complaint, please list them in a 1, 2, 3, etc format for ease of investigation. Include the name and address of the solicitor. Enclose copies of any relevant documents (do **not** send original documents). Ensure that you include details of all the complaints you are making as new complaints cannot be entertained once the investigation has commenced. Complaint forms to assist you to formulate your complaint/s concisely are available from the Society and are on our website www.lawsociety.ie

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If you are making a complaint against more than one solicitor, you must lodge separate complaints

*The bill must
have issued less than
five years ago*





*Write to the solicitor.
Explain your dissatisfaction
and what you want the
solicitor to do*

*You can
nominate
another
person to deal
with your
complaint on
your behalf*

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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.

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You will be sent a copy of the solicitor's response to 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

7

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 **Complaints and Client Relations Committee*** to look at the complaint.

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The Complaints and Client Relations Committee will consider the complaint based on the investigations carried out by the Complaints and Client Relations Section.

The Committee may interview the solicitor. There is no necessity for you to attend the Committee meeting, but if you want to be there, tell the investigating solicitor so that arrangements can be made for your attendance. The Committee may:

- ✓ uphold or reject the complaint
- ✓ direct the solicitor to take certain steps
- ✓ require the solicitor to waive/refund fees



The investigating solicitor will try to resolve your difficulties

***WHAT IS THE COMPLAINTS AND CLIENT RELATIONS COMMITTEE?**

The Complaints and Client Relations Committee consists of solicitors and lay members. There must be a majority of lay members at each meeting.

The Committee sits in divisions and a meeting takes place approximately every two weeks.

Detailed guidelines are available on request or on our website

*WHO IS THE INDEPENDENT ADJUDICATOR?

The Independent Adjudicator ensures that complaints are dealt with fairly and impartially by the Society. She can review matters that are referred to her by or on behalf of a client of the solicitor concerned.

Write to:
Independent Adjudicator
of the Law Society
26 Upper Pembroke Street
Dublin 2
phone: 353-1-6620457

You must contact the Adjudicator within three years of the Society's decision. The Complaints and Client Relations Section can send you more information about the Adjudicator on request.

- ✓ impose a reprimand
- ✓ refer the solicitor to the Disciplinary Tribunal
- ✓ direct the solicitor to pay compensation not exceeding €3,000

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If you are unhappy with how your complaint was handled by the Society. The **Independent Adjudicator*** 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 re-opened.

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You can bring your complaint directly to the **Disciplinary Tribunal*** at any time. The Tribunal only deals with allegations of misconduct. You do not have to deal with the Complaints and Client Relations Section first.

*WHAT IS THE DISCIPLINARY TRIBUNAL?

The Disciplinary Tribunal is an independent statutory tribunal appointed by the President of the High Court to investigate allegations of misconduct against solicitors. An application to the Tribunal may result in a solicitor being sanctioned, struck off or suspended from practice.

The Tribunal sits in panels of 3 and always includes a lay member.

The Complaints and Client Relations Committee may decide to refer a solicitor to the Tribunal following the investigations of the Complaints and Client Relations Section.

You can refer your complaint directly to the Disciplinary Tribunal, without dealing first with the Complaints and Client Relations Section.

If you have already made a complaint to the Society and your

complaint has not been upheld, you are still entitled to apply to the Tribunal.

To obtain the appropriate information leaflet and application forms, write to:

Clerk of the
Disciplinary Tribunal
The Friary
Bow St, Dublin 7
Tel: 869 0766

*You may simply
want guidance on how
to put together your
complaint*



*WHAT IS AN ALTERNATIVE LEGAL REMEDY?

The Society may not deal with a complaint where there is an alternative legal remedy. If you feel that your solicitor has been negligent or in breach of contract, the Society takes the view that there is an alternative legal remedy – suing the solicitor. This may be the fastest and most effective option. Write to the Complaints and Client Relations Section if you require a list of solicitors who are prepared to take proceedings against other solicitors. An abridged version can be found on our website www.lawsociety.ie.

*WHAT DOES TAXING THE COSTS MEAN?

This means a court official (the Taxing Master) assesses the bill. If you feel that your solicitor's bill is too high, you can require your solicitor to have the bill taxed. If the bill is reduced by the Taxing Master by less than one sixth, you will pay the costs of the taxation.

If you dispute items in the bill other than the solicitor's professional fee (e.g. barristers fees, witness expenses), taxation may be the best option, as the Society cannot adjudicate on these fees.

An information leaflet published by the taxing master's office is available on request.

WHEN THE COMPLAINTS AND CLIENTS RELATIONS SECTION CAN'T HELP

The Complaints and Client Relations Section can't help you if:

- ✘ you are complaining about someone else's solicitor, unless
 - exceptional circumstances apply, or
 - your own solicitor endorses the complaint
- ✘ you do not put your complaint in writing
- ✘ you claim that your solicitor has been negligent and you seek damages or compensation in excess of €3,000
- ✘ your complaint is based on how your solicitor presented your case in court
- ✘ an investigation would interfere with court proceedings (unless the complaint is excessive fees). The Complaints and Client Relations Section may be able to look at your complaint after the proceedings have concluded
- ✘ you are complaining about judges, barristers, court officials, gardaí
- ✘ there is an **alternative legal remedy***
- ✘ your complaint is not about the professional services provided by your solicitor

- ✘ you complain that your solicitors fees are excessive, and
 - the bill was issued more than five years ago, or
 - you have requested **taxation of costs***
- ✘ you complain about inadequate professional services which were provided more than five years ago
- ✘ you want legal advice or representation
- ✘ you seek compensation in excess of €3,000, unless you believe that you have lost money because your solicitor has been dishonest. In this case, you write to the **Compensation Fund*** at the Society.

***WHAT IS THE COMPENSATION FUND?**

The Society maintains a Compensation Fund to protect clients who lose money through the dishonesty of their solicitor. Every solicitor pays an annual contribution to the Fund in order to provide this protection to the public. If you want to make a claim on the Fund, write to the Society for an application form.



*You must put
your complaint
in writing*

You can contact the Complaints and Client Relations Section with any queries on the information in this leaflet.

**Complaints and Client Relations Section
Law Society of Ireland
George's Court,
George's Lane,
North King Street,
Dublin 7.
phone: 353-1-8798700
fax: 353-1-8798785
www.lawsociety.ie**



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