



An tÚdarás Rialála  
Seirbhíse Dlí  
Legal Services  
Regulatory Authority

# Independent Complaints Handling

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*Complaints  
about solicitors  
and barristers*

**REPORT 1 ~ 2020**

*From 7 October 2019  
to 6 March 2020*

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# Foreword by the Chief Executive Officer

I am pleased to introduce the first bi-annual report into the operation of the new independent complaints function of the Legal Services Regulatory Authority.

The LSRA started to receive and investigate complaints relating to both solicitors and barristers on 7 October 2019. The Legal Services Regulation Act 2015 requires the LSRA to publish a report on the operation of the complaints function every six months. This report is based on data from our first five months of dealing with complaints.

We have been busy. Consistent with our expectations, the volume of both queries and complaints has been significant. A total of 636 complaints were received. Over half, 342 complaints, related to alleged misconduct, which is broadly defined in the Act and includes an act or omission involving fraud or dishonesty, or which is likely to bring the profession into disrepute. A further 238 complaints alleged that the legal services provided were of an inadequate standard, while 56 related to alleged overcharging excessive costs.

The LSRA is keen to ensure that these bi-annual reports are useful to both the public and to legal practitioners. Therefore, where we can, we will use these reports to highlight emerging themes in complaints and to identify areas where it may be possible to learn lessons and to raise standards. These reports will also include anonymised case studies which are aimed at helping both consumers and legal service providers learn from our examination of individual complaints.

Within the first five months of complaints handling, some themes have already started to emerge. One overarching theme that seems to be relevant to almost every complaint is communication. Time and time again the complaints made to us include allegations of poor communication, infrequent communication or no communication on the part of a legal practitioner. Indeed, many of the complaints made to us to date may well have been avoided altogether had correspondence from clients been replied to in a timely fashion.

There is an obligation on legal practitioners to ensure that their clients are well informed as to the risks involved in legal proceedings, the time that the proceedings will take and the cost of those proceedings.

On 7 October 2019 new and more detailed obligations came into force that require legal practitioners, upon receiving instructions, to provide a notice to the client which clearly sets out the legal costs that will be incurred in relation to a matter. They are also required to inform the client should any factor arise that would make the legal costs significantly greater than those indicated. The LSRA will monitor the complaints it receives in relation to legal costs but it is hoped that careful compliance with the new obligations will lead to a reduction in complaints of this nature.

We have also received a number of complaints that the LSRA cannot deal with under the 2015 Act. We have further work to do to ensure that consumers of legal services understand the remit of the LSRA and the types of complaints that we can deal with.

Although we are reporting on instances in which complaints have been made against legal practitioners, the LSRA's own research has shown that many people are satisfied with the service provided by their lawyers. In a consumer survey commissioned by the LSRA in 2018, 63% of respondents who used legal services were satisfied with their experience overall.

The LSRA has also been heartened by the response of legal practitioners to the new independent complaints regime. The LSRA's complaints handling process focuses on the informal resolution of complaints and I have been pleased to see lawyers reflecting on their own performance in matters that are the subject of complaints and engaging with the LSRA in an attempt to resolve matters at an early stage. This engagement is both encouraging and to be encouraged.

This report is the first step in a longer conversation – one that I hope both lawyers and consumers will find useful.

***Dr Brian J. Doherty***  
***April 2020***

# Introduction

The Legal Services Regulatory Authority (LSRA) is required under section 73(1) of the Legal Services Regulation Act 2015 (the Act) to report on the performance of its complaints function at intervals of no greater than six months. This is the first such report in respect of the period from 7 October 2019 to 6 March 2020.

The LSRA is responsible for the regulation of legal services by legal practitioners and also for ensuring the maintenance and improvement of standards in the provision of such services.

Under the 2015 Act, the objectives of the LSRA include protecting and promoting the public interest, protecting and promoting the interests of consumers relating to the provision of legal services, encouraging an independent, strong and effective legal profession and promoting and maintaining adherence to the professional principles of the legal profession. The professional principles referred to require legal practitioners to act with independence and integrity, act in the best interests of their clients, maintain proper standards of work, to comply with such duties that are rightfully owed to the court and to comply with their duties of confidentiality to their clients.

The main purpose of this report is to inform consumers, legal professionals and the wider

public about the matters that we investigate, the issues and behaviour that commonly give rise to complaints, and the outcomes of complaints that are made to us. In doing so, it is hoped that there will be increased consumer awareness about these issues. It is also hoped that legal practitioners find the reports useful in identifying the types of acts or omissions that can lead to complaints and ensuring that their delivery of legal services is of the highest standard possible.

To that end, this report contains a summary of the new independent complaints process, a summary of the nature and types of the complaints that we have received as well as a series of case studies based on anonymised complaints that we have received since 7 October 2019. It is hoped that the anonymised case studies will be of particular use to both legal practitioners and consumers of legal services in understanding the nature of the work being done by the LSRA and the lessons that can be learned from the complaints that we receive.

# Independent Complaints Handling

The LSRA began receiving and investigating complaints relating to solicitors and barristers on 7 October 2019 following the commencement of Part 6 of the Act.

Under this new independent complaints handling regime, the LSRA is responsible for complaints which previously were made to the professional bodies for solicitors and barristers – the Law Society of Ireland and the Bar of Ireland respectively. Prior to the introduction of the LSRA's complaints handling function, the Law Society investigated complaints in relation to solicitors based on the statutory framework set out in the Solicitors Acts 1954 to 2011. However, the 2015 Act means that the investigation of complaints in respect of barristers is, for the first time, governed by statute.

All complaints about solicitors and barristers are now made to the LSRA. However, the Bar of Ireland through the Barristers Professional Conduct Tribunal will remain responsible for investigating complaints in respect of acts or omissions that took place prior to the relevant complaints sections of the Act coming in to force i.e. acts or omissions by a barrister that are alleged to have occurred prior to 7 October 2019.

Both the Law Society and the Bar of Ireland will also continue to investigate any complaints that were made to those organisations prior to 7 October 2019 until they are concluded.

## What types of complaint can the LSRA deal with?

The three grounds for complaint under the Act are:

- that the legal services provided by the practitioner were of an inadequate standard;
- that the amount of costs sought by the practitioner were excessive; or
- that the legal practitioner performed an act or omission which amounts to misconduct under the Act.

Misconduct is broadly defined in the Act and includes an act or omission which involves fraud or dishonesty or which is likely to bring the profession into disrepute. The provision of legal services which are inadequate to a substantial degree or the seeking of grossly excessive costs can also be considered misconduct under the Act.

## Who can make a complaint to the LSRA?

The complaints system – including who can make a complaint – differs depending on the specific grounds of complaint.

### Complaints of inadequate services and excessive fees

Complaints about inadequate services or excessive costs can be made to the LSRA by either the client of a legal practitioner or a person acting on behalf of a client.

Complaints in connection with services or charges must be received by the LSRA within three years of the act or omission, or within three years of the client becoming aware of the act or omission (or from when they ought reasonably to have become aware of the act or omission).

### Complaints of misconduct

Any person can make a complaint to the LSRA where he or she believes there is evidence of misconduct on the part of a legal practitioner. There is no statutory time limit for complaints relating to alleged misconduct.

## How to make a complaint

Complaints must be made to the LSRA in writing and they can be submitted by post or email. A complaints form is available on the LSRA website for download, along with information guides for the assistance of both consumers and legal practitioners. Complainants are encouraged to use the complaint form if possible.

As the LSRA is independent in the operation of its functions, the LSRA's complaints staff cannot advise someone about the nature and content of their complaint or indeed whether or not to make a complaint. However, LSRA staff are available to assist in answering any questions about the complaints process and are available by telephone during the hours listed on our website.

Should anyone need assistance in making their complaint they should consider contacting the Citizens Information Service. There is a link to the Citizens Information Service website on the LSRA website to locate the nearest centre, as well as links to the Free Legal Advice Centres (FLAC) and the National Advocacy Service.

# Number and Nature of Complaints Received

During the five-month reporting period from 7 October 2019 to 6 March 2020, the LSRA received a total of 1,884 phone calls and e-mails requesting information and/or complaint forms.

A total of 1,048 files were opened initially as queries. Following an assessment of these files, a total of 636 were then categorised as complaints. For a file to be categorised as a complaint, it means that the query received by the LSRA met the definition in the 2015 Act of a complaint and contained enough information so that it could be processed by the LSRA's complaints team.

The largest category of complaints received related to alleged misconduct. Of the 636 complaints received, 342 (54%) were in respect of alleged misconduct. A total of 238 complaints (37%) related to alleged inadequate services, and a further 56 (9%) came under the category of alleged excessive costs (overcharging). Of the 636 complaints investigated in this period, a total of 633 related to solicitors and 3 related to barristers.

A total of 187 complaints have been closed and a balance of 449 complaints remain under consideration by the LSRA. Of the closed complaints, 138 (74%) were deemed to be inadmissible, 48 (26%) were closed pre-admissibility and one complaint was found to have been a duplicate. Of the 48 files closed pre-admissibility, 12 (25%) were withdrawn and 36 (75%) were resolved.

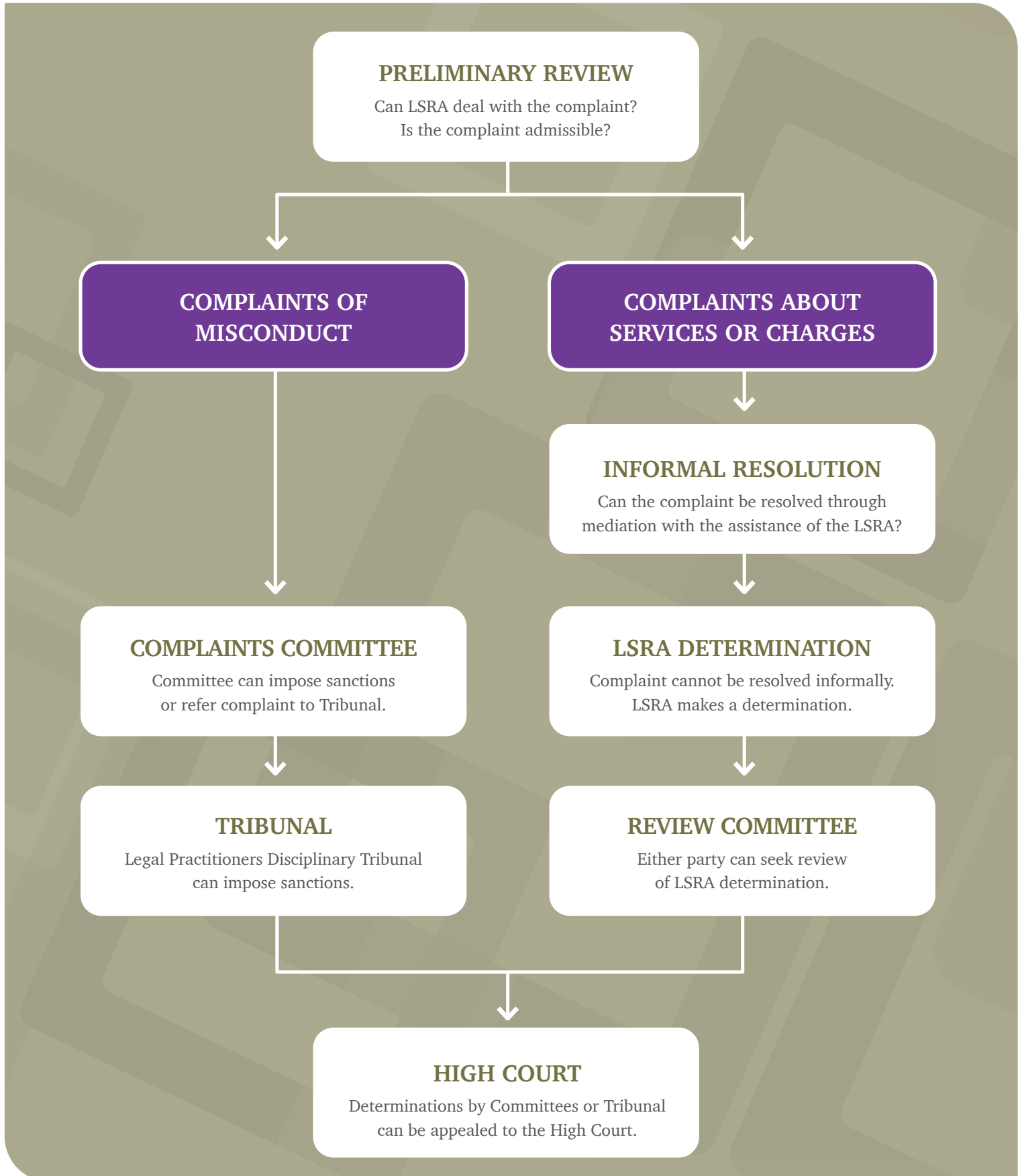
For detailed complaints statistics, see **Statistical Breakdown of Complaints** section.

## Other issues arising out of complaints

A total of 14 complaints involved issues relating to alleged criminal activity. The majority of these related to allegations made against what is suspected to be a bogus law firm. These were referred to the Gardaí.



# Complaint Journey



# The Complaints Process

## Preliminary review for admissible and inadmissible complaints

The Act requires the LSRA to conduct a preliminary review of all complaints to determine whether or not they are admissible. As set out above, of the total number of 187 complaints closed, 138 (74%) were deemed to be inadmissible.

During this preliminary review, information can be sought by the LSRA from the complainant to ensure that the LSRA has a full understanding of the issues about which the complainant wishes to complain. The LSRA provides full details of the complaint, including any documentation submitted by the complainant, to the legal practitioner i.e. the solicitor or barrister, who is given 21 days to respond to the complaint made. Legal practitioners are encouraged to provide a full response to the allegations made and to provide any relevant evidence that they may have at this stage. It is often necessary at this stage to seek further information from the complainant and/or from the legal practitioner in order to ensure that the LSRA has sufficient material upon which to base its decision in relation to the admissibility of a complaint.

In essence, this means that the LSRA gathers evidence from both the complainant and from the legal practitioner prior to the complaint being considered for admissibility under the provisions of the Act.

The LSRA has carried out an analysis in order to understand why three quarters of closed complaints were deemed inadmissible in the first five months of operation.

The LSRA intends to use this analysis to help consumers to understand what they can complain about, and to set realistic expectations about our role and remit.

## Two main categories of inadmissible complaints

The analysis shows that the complaints that have been determined to be inadmissible fall into two main categories, which are:

### ‘Out of time’ and previously determined complaints

The complaints-handling rules set time limits for the submission of certain complaints to the LSRA. Complaints which fall outside these time limits are therefore considered to be “out of time.” In addition, the LSRA cannot investigate complaints that have already been determined by the Law Society of Ireland or the Bar of Ireland. A total of 24 (17%) of the 138 inadmissible complaints were either “out of time” or previously determined. This trend was to be anticipated in the first five months of opening, as many complainants may have believed that their complaints could be investigated under the new complaints regime even though they had previously been investigated and dealt with. This is not the case as the 2015 Act specifically prohibits the LSRA from determining a complaint to be admissible where the act or omission complained of is the same or substantially the same as that which was the subject of a previously determined complaint. This means that, in most cases, if the Law Society or the Barristers Professional Conduct Tribunal have previously dealt with and determined a complaint, the LSRA must determine that complaint to be inadmissible.

## Complaints without substance or foundation

Another category of inadmissible complaints were those that were deemed to be without substance and foundation. Of the 138 inadmissible complaints, 112 (81%) fell into this category.

This was primarily as a result of complaints made about solicitors who were not acting for the person who brought the complaint but instead were acting for third parties. The LSRA can generally only investigate complaints about a solicitor or barrister that are made by, or on behalf of, the client of that solicitor or barrister. This rule does not apply to complaints that allege misconduct, which can be investigated by the LSRA even where no client-practitioner relationship exists. In other words, anyone may bring a complaint about misconduct against a legal practitioner, but only clients (or someone acting on their behalf) may bring complaints about excessive costs or inadequate services.

The Act requires that in all instances when a complaint is received, the LSRA must inform the legal practitioner of the complaint. This occurs even when the complaint falls outside the Act due to the fact that it was made by a person complaining about a legal practitioner who did not provide legal services to them, and where no allegation of misconduct is made. On investigation there is often found to be no substance to the allegation with the result that many of these complaints are ultimately deemed inadmissible. This scenario has been a dominant feature of the first five months of the LSRA's complaints handling. The LSRA is working proactively to raise awareness of what it can and cannot investigate.

## Informal resolution of complaints

The Act places informal resolution at the heart of the LSRA's complaints handling process. Once a complaint is deemed to be admissible and relates to inadequate services or excessive fees, the Act requires the LSRA to invite the parties to resolve matters informally if possible. This is sometimes referred to as mediation.

Informal resolutions range from telephone mediation provided by the LSRA's trained staff by way of conference calls, to face-to-face mediation, or the appointment of an external mediator. The nature of the informal resolution will depend on the nature of the complaint and what the parties agree to.

In compliance with the terms of the Mediation Act 2017, the LSRA's qualified staff are affiliated to the Mediators' Institute of Ireland and are fully trained to deal with this aspect of the legislation. The mediation is quite separate to the investigation and determination of the complaint, which is effectively placed on hold to allow the mediation process to take place which can result in the informal resolution of the issue which is subject of the complaint.

During the reporting period, some complaints were informally resolved between the parties directly at a very early stage in the complaints handling process. As set out above, a total of 36 complaints were resolved at what we refer to as the pre-admissibility stage – that is before the LSRA had made a determination as to whether or not the complaint was admissible.

This means that once the complaint was received by the LSRA and once the legal practitioner was informed of the complaint, both parties were able to engage and to resolve the complaint at this very early stage of the complaints process.

The LSRA believes that this reflects a very positive engagement with the process by both complainants and lawyers. We will assist where we can in this process.

Where a complaint is not resolved in this early pre-admissible phase and where it is deemed admissible, we will invite parties to agree to informal resolution in the appropriate admissible complaints. A small number of complaints have now reached this stage and we will report on the outcome of these complaints in our next report. It is certainly hoped that these will prove to be successful and will be a significant feature of our next report and future reports.

## Determination of complaints

If not resolved in the informal resolution process, complaints relating to inadequate services or excessive fees are determined by the LSRA Complaints and Resolutions Unit.

Should the LSRA determine that the service provided by the legal practitioner has been inadequate, the LSRA can direct the legal practitioner to:

- Rectify the issue at their own expense or at the expense of their firm;

- Take such other action as the Authority may specify – the cost of which should not exceed €3,000;
- Transfer any documents relating to the issue to another legal practitioner nominated by the client;
- Pay to the client a sum not exceeding €3,000 in compensation for any financial or other loss suffered by the client.

Should the LSRA determine that the amount of costs sought by the legal practitioner was or is excessive, the LSRA can direct the legal practitioner to:

- Refund, without delay, all or some of any amount already paid by the client to the legal practitioner; or
- Waive all or some of the amount billed.

The LSRA can also decide that the costs sought were not excessive and that the service delivered was not inadequate and therefore make no direction in the case.

Before any determinations can be made complaints must go through the pre-admissibility phase in which information is sought from both parties, and then be considered for admissibility. When a complaint is determined to be admissible the LSRA must then attempt to informally resolve the matter. These processes can take some time to complete and as such no complaints have reached the point where a determination has been required. This will of course change as more complaints move through the process and the LSRA will report on the outcome of these complaints in subsequent reports.

## Review Committee review of LSRA determination

A legal practitioner or a complainant can request that the Review Committee reviews a determination made the LSRA, of the kind outlined above.

The Review Committee is an independent committee. The Review Committee is composed of three persons, two of whom are lay persons and one of whom is a legal practitioner.

## Complaints Committee – misconduct complaints

Complaints of alleged misconduct are referred to the Complaints Committee for adjudication. As with the Review Committee there is a majority of lay members, and a lay chair. The Committee can refer matters on to the Legal Practitioners Disciplinary Tribunal or impose directions themselves including:

- Powers to make directions to the legal practitioner in relation to completing the legal services
- Directing the legal practitioner to participate in a professional competence scheme
- Directing the legal practitioner to waive or refund fees
- Directing the legal practitioner to comply with undertaking(s)
- Directing the withdrawing or amending of advertisements made by the legal practitioner
- Imposing monetary sanctions on the legal practitioner
- With the consent of the legal practitioner, imposing conditions on the practising certificate of the legal practitioner

The first sittings of the new Complaints Committee will take place in the near future and will be reported on in the next report under this section.

# Themes Emerging from Complaints

Within the first few months of operation of the LSRA's independent complaints handling regime, certain common themes have begun to emerge. These fall into several categories:

## The importance of communication

Clear and timely communication is at the heart of all good client/practitioner relationships, so it is not surprising that poor communication has emerged as the single most common theme in the complaints that we have received. Specific complaints of failure to communicate made up 16% of the misconduct complaints received, but it is a major feature in the majority of the complaints investigated. Many complaints may have been avoided altogether had correspondence been replied to in a timely fashion.

## Complaints about costs

Complaints about excessive fees (overcharging) accounted for approximately one in ten of all complaints (9%) received. Most of these complaints pre-dated the introduction of new transparency rules in relation to how legal practitioners should communicate with clients about legal costs. Under section 150 of the 2015 Act, which entered into force on 7 October 2019, legal practitioners must inform their clients about the costs of legal services, and ensure that their clients are kept informed on an ongoing basis. Detailed information in relation to the requirements of the new legal costs transparency provisions can be found on the LSRA's website. If legal practitioners are mindful of their new obligations and are careful in how they communicate with their clients in relation

to costs, this category of complaint should reduce further over time as there should be much greater transparency relating to costs.

## Wills and probate

With regard to complaints relating to inadequate services, a notable feature has been the volume of complaints relating to probate; in this category 28% related to the administration of estates.

Among the many issues we have seen, the noticeable features are allegations that solicitors have not prioritised this work, have drafted wills poorly, or been involved in potentially quite complex matters without the necessary expertise. In some cases, firms have inappropriately delegated this work to staff who are not sufficiently experienced. Allegations that Estate Accounts have been delayed and/or were inadequate have also been frequently made to the LSRA over its first five months in operation.

It is understandable that complainants who are beneficiaries of wills may assume that the solicitor who is dealing with the administration of the estate on behalf of the Executor is the person who they believe they should communicate with. In fact, the responsibility for communicating with beneficiaries in relation to the distribution of an estate lies with the Executor/s.

Solicitors must be clear with regard to responsibility for communication with beneficiaries of wills, as that is often an issue with large families some of whom might be resident abroad. All of these issues should be discussed and agreed with the Executor/s to avoid misunderstanding.

## Delays with undertakings

With regard to alleged misconduct, complaints relating to outstanding undertakings accounted for 11% of the total complaints made. An undertaking is a formal commitment by a legal practitioner to do something which is binding. Undertakings are routinely given by solicitors when dealing with their clients' affairs, particularly in conveyancing. The most common example is an undertaking given by the seller's solicitor to pay off their client's mortgage from the sale proceeds. Failure to comply with an undertaking is a professional conduct issue, and therefore something that can give rise to a complaint of alleged misconduct.

The LSRA is concerned at the length of time some undertakings are alleged to have been outstanding. Many are over a decade old, so there is a risk that the undertaking may not now be complied with. Delay on the part of some financial institutions in making these complaints is one issue, but the fact that solicitors may have left their clients' purchases unregistered for so long is something that still has to be addressed.

## Non-payment of barristers' fees

Barristers have made complaints to the LSRA where they allege that they have not received payment for work they have undertaken and where they believe that payment should have been made by this point. Solicitors should be aware that such complaints can be made to and can be dealt with by the LSRA should the complaint meet the admissibility criteria. So far a number of these complaints have been resolved at the pre-admissibility stage. Solicitors, of course, have a responsibility to ensure that the barristers they instruct are paid, but should also ensure that they communicate with counsel as soon as possible should any issues arise rather than simply leave fee notes unpaid.

# Case Studies

The following section contains a selection of anonymised case studies based on actual cases received by and dealt with by the LSRA in the first reporting period. The details of the cases may have been altered to ensure anonymity but the cases should serve to illustrate the nature of the complaints received.

## The Importance of Good Communication

### *Complaint*

A complaint was received from solicitors in Australia on behalf of their client who had not been paid money due to them from a relative's estate. The Australian lawyers had been writing to the Irish solicitors' firm responsible for administering the estate since early 2019 without reply.

### *Outcome*

Once the complaint was received by the LSRA and the Irish legal practitioner was informed, the issue was resolved following a brief exchange of letters. Within one month of the receipt of the complaint, the LSRA was advised that payment had been made and the matter resolved. The Australian law firm contacted the LSRA to inform us that the complainant *"no longer requires further assistance from your office as my initiating contact with your office resulted in immediate action by the law firm involved"*.

### *Lessons for practitioners*

In this case and many others like it, an email could have been enough to keep people *"in the loop"* and to avoid the need for a complaint to be made. Ignoring or failing to respond in a timely fashion to correspondence can be deemed to be a misconduct issue.



# A Lesson in Early Resolution

## *Complaint*

A complaint was received alleging that a solicitor had failed to register a property at the Land Registry following a purchase. We put the complaint to the solicitors' firm, who immediately responded saying that the transaction had been handled by a solicitor who had since left the firm, and that the issue had unfortunately been overlooked since then.

## *Outcome*

Although the solicitors pointed out that the complainants had failed to pay the Land Registry fee, they apologised for the error on their part, and agreed to discharge the fee themselves. The application for registration was submitted and the complaint was withdrawn on the basis that it had been resolved to the complainant's satisfaction.

## *Lessons for practitioners*

You must ensure that delegated work is properly supervised, and that there are handover arrangements in place when staff leave.

This matter was quickly, proactively and effectively resolved by the legal practitioners involved. The LSRA is aware that responses like these to a complaint that a legal practitioner may reflect on as being well founded can restore good relations with a client. A large number of complainants who contact the LSRA state that they are only looking for matters to be resolved and the focus of the new complaints legislation and regime is to assist in the early resolution of complaints.

# Issues in Wills and Probate

## *Complaint*

A complaint was received from a number of beneficiaries based outside of Ireland in respect of their late relative's estate. The solicitor had been instructed since early 2016 so, on the face of it, it could appear there was a delay.

## *Outcome*

On investigation, it was clear that the solicitor had been in regular communication with the Executor named in the will who was based in Ireland. It was also clear that the issues around any delay in the administration of the estate lay with the Executor and were outside the control of the solicitor.

## *Lessons for complainants*

If you are a beneficiary of an estate, have you taken up your concerns with the Executor? It is the Executor who is responsible for the proper and timely administration of an estate, regardless of whether or not he or she has taken the additional step of instructing a solicitor to act on their behalf.

## *Lessons for practitioners*

Is your Executor client aware of what work you are doing in the administration of the estate, and what you need in order to complete that work on their behalf? Have you explained, for example, that you will not correspond with all the individual beneficiaries as to do so could dramatically increase the costs?

# Complaint already determined by Law Society

## *Complaint*

A complaint was received in respect of a longstanding matter, and although the complaint did not say that the matter had already been the subject of a complaint to the Law Society, documentation submitted to the LSRA appeared to indicate that the matter had already been considered and a determination reached.

## *Outcome*

In accordance with statutory complaints process, copies of the complaint were sent to both the Law Society and the solicitor against whom allegations had been made. It quickly became apparent that the same complaint had already been investigated and determined by the Law Society. Under the 2015 Act, the LSRA is prohibited from investigating any complaint where the subject matter is the same or substantially the same as that which has already been determined by the courts, the Law Society, the Barristers' Professional Conduct Tribunal or the Honorable Society of King's Inns.

## *Lessons for complainants*

If you make a complaint to the LSRA that is the same as one that has already been determined by the Law Society, or any of the other bodies listed in the Act, that will become apparent at a very early stage in the investigation, and in accordance with the Act your complaint will be deemed to be inadmissible.

## *Lessons for practitioners*

The 2015 Act requires that the LSRA inform legal practitioners of all complaints made against them. Should you be notified of a complaint made to the LSRA, which may have previously been determined under the previous complaints regime, you should provide as much information as you can in relation to the previously determined complaint, including if you can any records relating to the determination of the complaint.

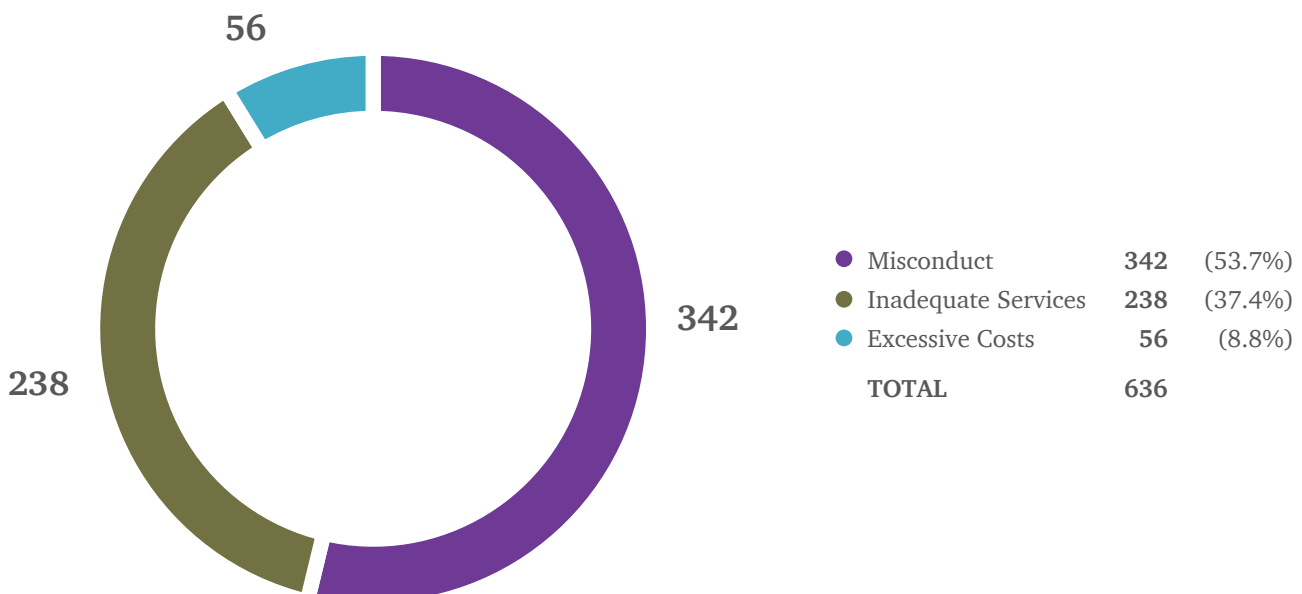
This will allow the LSRA to conduct the statutory test as to whether the complaint made to the LSRA is the same or substantially the same as that which has been previously determined.

It will not always be the case that the same complaint has been made to the LSRA, but where the complaint is the same as a previously determined complaint, under the 2015 Act, the LSRA must determine that complaint to be inadmissible.

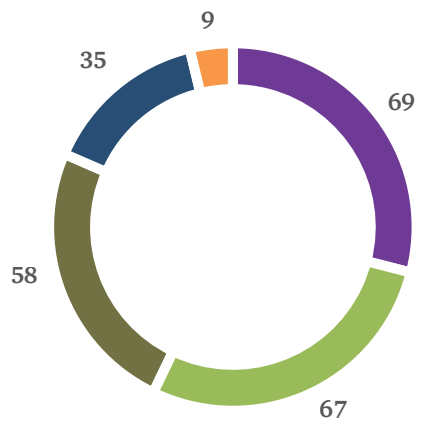
# Statistical Breakdown of Complaints

Complaints Overview	
Complaints opened	636
Complaints closed during period	187
Complaints continuing under investigation	449

## All Complaints

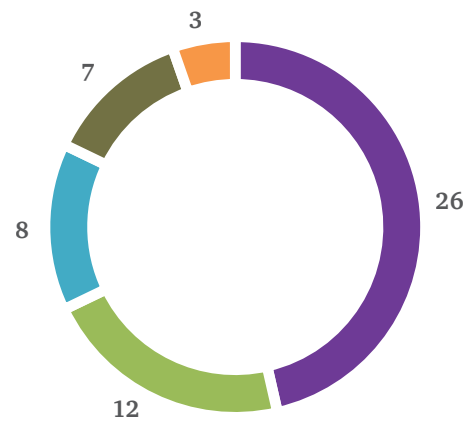


### Inadequate Services



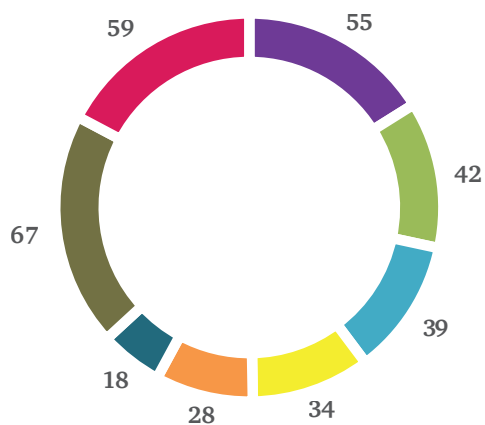
● Litigation	69	(28.9%)
● Probate	67	(28.2%)
● Conveyancing	58	(24.4%)
● Family	35	(14.7%)
● Other	9	(3.7%)
<b>TOTAL</b>	<b>238</b>	

### Excessive Costs



● Litigation	26	(46.4%)
● Family	12	(21.4%)
● Conveyancing	8	(14.3%)
● Probate	7	(12.5%)
● Other	3	(5.4%)
<b>TOTAL</b>	<b>56</b>	

### Misconduct



● Failure to communicate	55	(16.1%)
● Fraud or dishonesty	42	(12.2%)
● Undertaking	39	(11.4%)
● Failure to account	34	(9.9%)
● Failure to hand over	28	(8.1%)
● Substantial inadequate service	18	(5.2%)
● Misc less than 5%	67	(19.2%)
● Other	59	(17.2%)
<b>TOTAL</b>	<b>342</b>	

# Case Completion

Case Completion – Up to 6 March 2020	
Inadmissible	138
Withdrawn	12
Abandoned	0
Resolved pre IR	36
Resolved in IR	0
Determined	0
Upheld by Committee	0
Referred to Disciplinary Tribunal	0
Other	1
<b>TOTAL</b>	<b>187</b>

# Explanation of Legal Terms Used in this Report

## Mediation

A form of alternative dispute resolution where an independent person (a mediator) is appointed to help the parties come to agreement. Mediators do not decide the outcome of a dispute. They help the parties consider the issues and the best outcome.

## Probate

The process of applying to a court for a Grant that entitles a person or persons to administer a deceased's estate. It confirms the validity of the will, and the Executor/s appointed in the will to act. In the absence of a will, it confirms the person/s who are entitled to act as Administrators.

## Beneficiary

A person who is to receive all or a part of a deceased person's estate.

## Executor/Administrator

A person appointed to administer the deceased's estate in the Grant referred to above.

## Undertaking

A legally binding promise to do or not do something. In the context of complaints, these are specific agreements confirmed in writing by solicitors, which are given to other solicitors and/or banks and other financial institutions. Failure to comply with an undertaking can constitute misconduct.



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April 2020