



## **LSRA report shows 673 complaints received and 646 complaints closed in five month period**

***Regulator encourages legal practitioners to engage positively in complaints process to help resolve complaints early on***

***Regulator cautions consumers and legal practitioners on risks of cybercrime***

**Press release: 4 October 2021**

The Legal Services Regulatory Authority (LSRA) today publishes its second complaints report for 2021 which shows it received 673 complaints about legal practitioners in a five month period, with 646 complaints closed.

The report provides details of the number and nature of complaints about legal practitioners (solicitors and barristers) received and investigated during the reporting period of 27 March to 3 September 2021. This includes a total of 32 complaints closed by the independent Complaints Committee which was set up in 2020 to investigate complaints of alleged misconduct referred to it by the LSRA.

### **Complaints received:**

- The LSRA's Complaints and Resolutions Unit received a total of 673 complaints in the reporting period. A total of 654 related to solicitors and 19 to barristers, reflecting the higher number of solicitors and their greater level of contact with consumers. Multiple complaints may be brought against an individual legal practitioner.
- A total of 443 complaints alleged misconduct, with 193 complaints about alleged inadequate standard of legal services and a further 37 relating to alleged excessive costs (overcharging).
- This trend is largely consistent with the pattern seen in the LSRA's three previous complaints reports since it began receiving and investigating complaints about legal practitioners in October 2019.
- Complaints relating to alleged misconduct increased as a proportion of the total (66% in this reporting period compared to 57% in the previous one). Complaints of inadequate legal services decreased (29% in this reporting period compared to 36% in the previous report). Complaints relating to excessive costs also decreased (5% of the total in this reporting period, down from 7% in the previous one).
- The main areas of legal services that attracted complaints were litigation, family law, wills and probate and conveyancing. A total of 123 complaints were made by banks relating to outstanding solicitors' undertakings (a commitment given by a solicitor which is relied upon and is legally binding). Failure to comply with an undertaking is investigated as complaint of alleged misconduct.



- Complaints and Resolutions staff received a total of 1,236 phone calls and e-mails requesting information and/or complaints forms.

### **Complaints outcomes: all closed complaints**

- A total of 646 complaints were closed during the reporting period. Of these, 316 (49%) were deemed to be inadmissible following consideration by the LSRA. A total of 275 (42%) were closed pre-admissibility – that is before a decision was made as to whether the complaint was admissible.
- Of the 275 complaints files closed in the pre-admissibility process, 183 (67%) were resolved with the assistance of the LSRA.
- The LSRA’s complaints staff made determinations in a total of 21 complaints of inadequate legal services and excessive costs, and issued directions to solicitors in 17 of these complaints which were upheld.
- Two LSRA determinations which upheld complaints of inadequate standard of legal services were reviewed by the Review Committee, which confirmed both original determinations. In one of these complaints, the Review Committee further directed that the legal practitioner pay compensation to the complainant of €1,200.

### **Complaints outcomes: misconduct complaints**

- A total of 48 complaints were considered by the independent Complaints Committee which was set up in November 2020 to hear misconduct complaints. The Committee closed 32 complaints, all of which related to solicitors. Of these, the Complaints Committee upheld ten complaints and referred nine to the new Legal Practitioners Disciplinary Tribunal.
- In three of the ten complaints upheld by the Complaints Committee, legal practitioners were directed to pay the LSRA a total of €6,350 towards the costs of its investigations. In one complaint, the legal practitioner was directed to pay the complainant €5,000 in compensation.
- A total of nine complaints were referred by the Complaints Committee to the independent Legal Practitioners Disciplinary Tribunal (LPDT) for further investigation.

On publishing today’s report, **the LSRA’s Chief Executive Dr Brian Doherty said:**

*“Today’s report is the fourth published by the LSRA on the operation of its complaints function, and it reflects on another busy period for the organisation. We have recruited more staff and increased the resources to deal with the high level of complaints. We are already seeing the impact of these increased resources in reduced timelines for decision-making. As the country begins to move out of the restrictions put in place due to the Covid-19 pandemic, the LSRA will seek to further improve timeliness and efficiency and to improve the experiences of both consumers and legal practitioners who engage in the complaints process.*”

*“Once more we see that a high number of complaints can be resolved between the parties through the early positive engagement of legal practitioners with the LSRA’s complaints handling process. Whilst there has been excellent engagement by some legal practitioners, it is of ongoing*



*concern that others are not engaging positively with the LSRA in our attempts to seek a resolution of complaints through informal resolution or mediation.”*

Dr Doherty continued:

*“I hope that in future more legal practitioners will accept the LSRA’s invitation to informally resolve or mediate complaints. Informal resolution represents an opportunity for legal practitioners to resolve a complaint on terms that are acceptable to them without the matter proceeding to determination by the LSRA.”*

Today’s report draws the attention of both consumers and legal practitioners to the ongoing risks posed by cybercrime.

Dr Doherty added: *“Although this is something which is not brought to the attention of the LSRA on a frequent basis, the potential impact on the client and the legal practitioner when it does occur is life changing. It is for that reason, that we again highlight the need for care and vigilance when conducting electronic bank transfers and transactions.”*

Today’s report is available to download here: [\*\*Independent Complaints Handling: Complaints about solicitors and barristers, Report 2-2021\*\*](#)

#### **Note to Editors:**

The Legal Services Regulatory Authority is an independent statutory body set up under the Legal Services Regulation Act 2015 with a range of functions. These include regulating the provision of legal services by legal practitioners (barristers and solicitors) and ensuring the maintenance and improvement of standards in the provision of legal services.

The LSRA began receiving and investigating complaints about legal services by legal practitioners on 7 October 2019, and is required by law to report on its complaints function at intervals no greater than six months. This is the LSRA’s fourth complaints report.

**ENDS**