



An tÚdarás Rialála
Seirbhíse Dlí
Legal Services
Regulatory Authority

Independent Complaints Handling

Complaints
about solicitors
and barristers

Report 2 - 2023

*From 4 March 2023
to 1 September 2023*

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Foreword by the Chief Executive Officer



Dr Brian J. Doherty

I am pleased to introduce the second bi-annual report of 2023 into the operation of the independent complaints function of the Legal Services Regulatory Authority. This report documents trends, themes and statistics from 4 March 2023 to 1 September 2023 and is the eighth report published by the LSRA on the operation of its complaints function since it began receiving and investigating complaints against legal practitioners in October 2019.

The reporting period was a busy one for the complaints staff as they received 1,602 phone calls and emails requesting complaints forms and other assistance. The complaints team opened 867 query files in the period, of which 655 were upgraded to complaints. The complaints team also closed 671 complaints in the period, the outcomes of which are summarised in this report.

As I have mentioned in previous reports, the LSRA has increased the resources in our complaints handling department in order to deal with the high level of complaints that we continue to receive and is focused on improving the experiences of both consumers and legal practitioners who engage in the complaints process, improving the timeliness of our responses to complaints and ensuring a quality service for all.

This report reflects increased numbers of legal practitioners and complainants who are engaging with the LSRA's trained mediators and attempting to resolve complaints informally. The LSRA is committing further resources towards the early resolution of

complaints to build on the positive results we have already had in this area and to ensure that we can assist with the resolution of complaint matters in a timely and effective manner.

The LSRA remains of the view that there is a clear benefit to both legal practitioners and to complainants of taking a positive and proactive approach to resolving complaints at as early a stage as possible. While we are very much aware that this is not always possible, early positive engagement on matters that may be suitable for mediation or informal resolution can avoid protracted and costly investigations, the cost of which are passed on to all legal practitioners through the annual levy.

This report also however reflects on the steps taken by the LSRA in complaints where legal practitioners have chosen not to engage with the LSRA in such a positive manner and where the LSRA has had cause to initiate High Court enforcement actions against legal practitioners who have not complied with directions made by either LSRA staff or the Complaints Committee. This all amounts to time and energy that would best be spent on other regulatory activity. However, legal practitioners should be aware that where they chose not to comply with a direction of the LSRA or the Complaints Committee, the LSRA will not hesitate to apply to the High Court for an order for compliance and will also seek an order for the cost of having to do so.

As in our previous reports, we have highlighted themes that we have identified in the complaints we have received and we have also provided a number of case studies that evidence the nature of the complaints we receive and the outcome of our inquiries. Themes emerging from complaints and highlighted in this report include the need for care to be taken when properly executing deeds, the need for the clear consent of a client when briefing counsel and the importance of transparency and clear communication on costs of legal services.

This report also provides an update on the work of the Legal Practitioners Disciplinary Tribunal (the LPDT) which has begun to hear applications brought by both the LSRA and the Law Society of Ireland in misconduct matters. The LSRA has a responsibility to report separately on the outcome of LPDT matters which it will doing for the first time in the coming weeks.

As always, I am very grateful to the dedicated complaints team of the LSRA for their hard work in considering, resolving and determining complaints. This work can be challenging and their considerable efforts are very much appreciated. I am also grateful for the important work undertaken by the members of the independent Complaints Committee and the Review Committee who play such a vital role in the LSRA's complaints function.

Dr Brian J. Doherty
September 2023

Introduction

The LSRA began receiving and investigating complaints about solicitors and barristers (collectively referred to as legal practitioners) on 7 October 2019. The 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 eighth such report, and it reports on the period from 4 March 2023 to 1 September 2023.

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 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; comply with such duties that are rightfully owed to the court; and comply with their duties of confidentiality to their clients.

The purpose of these reports 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 the 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 in ensuring that their delivery of legal services is of the highest standard possible.

To that end, this report contains an overview of our independent complaints handling process, a summary of the nature and types of the complaints that we have received, the outcomes of complaints considered by the Complaints and Review Committees, as well as a series of case studies based on anonymised complaints. As before, we hope that these case studies will be of particular use to both legal practitioners and consumers of legal services in understanding the nature of the LSRA's complaints handling and the lessons that can be learned from the complaints we receive and investigate.

Independent Complaints Handling

Under the independent complaints handling regime, as set out in Part 6 of the Act, the LSRA became 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.

Prior to the introduction of the LSRA's complaints handling functions, complaints in respect of barristers were not governed by statute. The Bar of Ireland, through the Barristers Professional Conduct Tribunal, was responsible for these complaints.

What types of complaints can the LSRA deal with?

The three grounds for complaints under the Act are:

- the legal services provided by the legal practitioner were of an inadequate standard;
- the amount of costs sought by the legal practitioner for legal services was excessive;
- 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. It also includes the provision of legal services which were of an inadequate standard to a substantial degree or the seeking of grossly excessive costs.

Complaints under the Act's three grounds are classified by the LSRA into a range of categories as part of an administrative process to aid our reporting. For example, complaints alleging inadequate standards of legal services and excessive costs are recorded by areas of work such as litigation, conveyancing, probate and family law. Complaints alleging misconduct are recorded under categories that relate to the nature of the act or omission that gives rise to the complaint.

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 costs

Complaints about inadequate legal 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 legal services or costs must be received by the LSRA within three years of the date on which the legal services were provided or the bill of costs issued or within three years of the client becoming aware of the inadequate legal services or excessive costs (or from when they ought reasonably to have become aware of the same).

Complaints of misconduct

Any person, not just a client, 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 complaint 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 where possible.

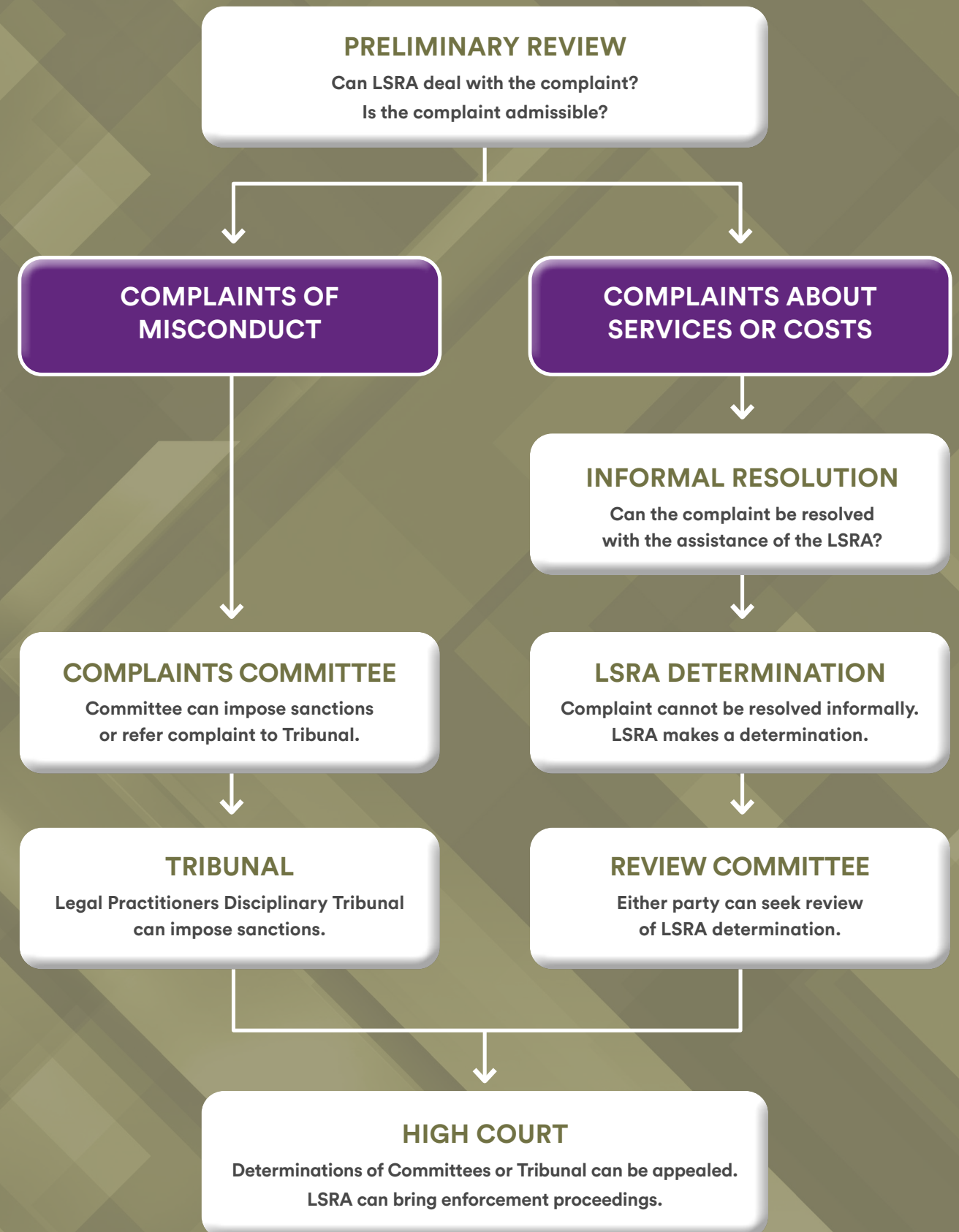
How we can assist

As the LSRA is independent in the operation of its functions, our complaints staff cannot advise complainants 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. In addition to our website resources, the LSRA has developed a plain language consumer Guide to our Complaints Service. This booklet is available in Citizens Information Offices and libraries nationwide.

Should anyone need assistance in making their complaint, they should consider contacting the Citizens Information Service, the Free Legal Advice Centres or the National Advocacy Service.

If you require particular assistance accessing our services, you can contact our Access Officer whose details are on our website (www.lsra.ie).

Complaint Journey



The Complaints Process

The Legal Services Regulation Act 2015, together with the Regulations enacted pursuant to the Act, set out detailed processes for the handling of complaints about legal practitioners, including a series of statutory deadlines which must be observed.

All complaints received are designated a file reference and opened initially as a query. Complaints staff then scrutinise each file to decide whether a query should be classified as a complaint or is more appropriately dealt with as a query. This is an important stage in the complaints handling process as complaints staff clarify the issues that have been raised.

Preliminary review for admissible and inadmissible complaints

Once a query is classified as a complaint, the LSRA is required under the Act to conduct a preliminary review to determine whether or not the complaint is admissible. In essence, this means that complaints staff gather evidence from both the complainant and the legal practitioner.

As part of this process, the LSRA must notify the legal practitioner of the complaint in writing, provide the legal practitioner with a copy of the complaint and request a written response with observations within 21 days. Complaints staff may also, at this preliminary review stage, request additional information in writing from either the complainant or the legal practitioner.

Legal practitioners are encouraged to provide a full response to allegations made and to provide any relevant evidence that they may have at this stage. It is often necessary 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 on the admissibility of a complaint.

Informally resolving complaints

The LSRA encourages early resolution of complaints where appropriate. The informal resolution of complaints between parties can take place before the complaint has been determined to be admissible.

In addition, once a complaint has been determined to be admissible, the Act requires the LSRA to invite the parties to make efforts to resolve matters where those complaints relate to:

- Legal services of an inadequate standard;
- Excessive costs; or
- The provision of legal services of an inadequate standard to a substantial degree that, if substantiated, would constitute misconduct.

Informal Resolution in most cases is by way of individual phone calls with the LSRA mediator. The mediator generally calls the parties to see if there is way for the parties to resolve the complaint to their satisfaction. The approach to Informal Resolution may vary in each complaint depending on the nature of the complaint and what the parties agree. Group calls, face-to-face meetings or the appointment of an external mediator can all be considered if the participants agree that it could help to resolve the issues.

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 Informal Resolution process to take place.

Determination of complaints about services and costs

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

Should the LSRA determine that the legal services provided by a legal practitioner have been of an inadequate standard (and that it is appropriate to do so) 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 LSRA 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 a legal practitioner was or is excessive (and that it is appropriate to do so) 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 make a determination that the costs sought were not excessive or that the legal services delivered were not inadequate.

Review of LSRA determinations

Once the LSRA has made a determination of a complaint, the legal practitioner or complainant can request that the determination be reviewed by the Review Committee.

The independent Review Committee sits as a three person committee, composed of two lay persons and one legal practitioner. The Review Committee considers all requests for review made to it and provides both the complainant and the legal practitioner with an opportunity to make a statement in writing as to why the determination of the LSRA was incorrect or unjust.

Following its consideration of the determination made by the LSRA, as well as any statements made by the complainant and the legal practitioner, the Review Committee can:

- Confirm the LSRA determination;
- Send the complaint back to the LSRA with directions for it to be dealt with again;
- Issue one or more directions to the legal practitioner, for example to waive or refund fees, to rectify an error or to pay compensation, as it considers appropriate.

Complaints Committee determinations and referrals to LPDT

The Complaints Committee considers and investigates complaints of alleged misconduct about legal practitioners that are referred to it by the LSRA. The LSRA established the Complaints Committee in 2020. It is independent in its decision-making.

The Committee is made up of 27 members. These comprise a total of 15 lay members, eight solicitor members nominated by the Law Society of Ireland, and four barrister members nominated by the Bar of Ireland (Bar Council).

The Complaints Committee is split into three groups, each with nine members. Divisional Committees drawn from these groups sit to investigate complaints, as either a five or three person committee. Divisional Committees always have a lay majority and a lay chairperson. The Divisional Committees sit on a rolling basis throughout the year at approximately six week intervals. They also meet on an ad hoc basis to consider individual complaints when it is necessary to do so.

The Complaints Committee can request that the complainant or legal practitioner supplies information or documentation relating to the complaint and can also require either party to verify information by way of an affidavit. The Complaints Committee can also require the complainant and the legal practitioner to appear before it for the purposes of the investigation of the complaint.

The Complaints Committee does not make findings of misconduct. It can refer more serious matters on to the Legal Practitioners Disciplinary Tribunal (LPDT) for further investigation, where appropriate.

If the Complaints Committee considers that the complaint does not warrant referral to the LPDT, but is one that warrants the imposition of a sanction, it can impose sanctions including the following directions to the legal practitioner to:

- **Complete the legal service or arrange for the service to be completed by a legal practitioner nominated by the complainant at the expense of the legal practitioner;**
- **Participate in a professional competence scheme;**
- **Waive or refund fees;**
- **Take other action in the interest of the complainant;**
- **Comply with undertaking(s);**
- **Withdraw or amend an advertisement made by the legal practitioner;**
- **Pay compensation to the complainant not exceeding €5,000;**
- **Pay costs to the LSRA;**
- **With the consent of the legal practitioner, (failing which the matter will proceed to the Legal Practitioners Disciplinary Tribunal) impose a specified restriction or condition on the practising certificate or the practice of the legal practitioner.**

In a small number of complaints before the Complaints Committee, legal practitioners have not responded to correspondence in a timely manner or, sometimes, have not responded at all.

Where the Complaints Committee considers it to be reasonable and appropriate, it can direct a legal practitioner to pay up to €5,000 towards the costs incurred by the LSRA in investigating the complaint.

Where the Complaints Committee determines that the legal practitioner has in the course of the investigation “refused, neglected or otherwise failed, without reasonable cause, to respond appropriately,” the legal practitioner can be directed to make a further contribution to the LSRA’s costs of up to €2,500.

Failure to respond to correspondence from the LSRA may also be taken into account by the Complaints Committee when referring a complaint to the LPDT. The Complaints Committee may direct that the failure to respond to correspondence from the LSRA be included as a further allegation of misconduct in the application to the LPDT.

Enforcement in the High Court

Where a legal practitioner fails to comply with a determination of the LSRA, a committee or the LPDT, an application can be made to the High Court by the LSRA for an order directing compliance.

These enforcement applications under section 90 of the Act are made where any appeal period has expired and no evidence of compliance by a legal practitioner has been provided. In circumstances where the LSRA considers it necessary to apply to the President of the High Court for a section 90 order, the LSRA will also seek an order for the payment of the costs incurred in doing so.

Legal Practitioners Disciplinary Tribunal

The Legal Practitioners Disciplinary Tribunal (LPDT) is an independent statutory tribunal established under section 74 of the Legal Services Regulation Act 2015. It considers complaints of alleged misconduct referred to it by the LSRA or the Law Society of Ireland. It does not accept direct applications from complainants or from other parties.

The LPDT has 33 members. Its current members including its Chairperson, were appointed by the President of the High Court in November 2020. Its membership consists of 21 lay members, six solicitors and six barristers. It sits in divisions of a minimum of three members, with a lay majority including a lay chair.

Where an application is made to the LPDT there will be an inquiry, generally with oral evidence, and held in public. The LPDT has the same rights and powers as the High Court regarding the enforcement of the attendance of witnesses, as well as the production and the discovery of documents. It can subpoena witnesses to attend and give evidence, including under cross-examination.

The LPDT is the successor body to the Solicitors Disciplinary Tribunal and the Barristers Professional Conduct Tribunal.

Where the LPDT makes a finding of misconduct, it can impose a wide range of sanctions. These include:

- **Imposing an advice, admonishment or censure on the legal practitioner;**
- **Directing the legal practitioner to participate in one or more professional competence schemes;**
- **Directing the legal practitioner to waive or refund costs;**

- **Directing the legal practitioner to complete certain legal services;**
- **Imposing conditions on the legal practitioner's practising certificate;**
- **Imposing a range of monetary sanctions, the total amount of which cannot exceed €15,000;**
- **Making a recommendation to the High Court that the legal practitioner be restricted in the type of work they can do;**
- **Making a recommendation to the High Court that the legal practitioner be prohibited from practising without supervision;**
- **Making a recommendation to the High Court that the practitioner be suspended from practice or struck off permanently from the Roll of Solicitors.**

The LPDT started holding inquiries in July 2023. Where the LPDT makes a finding of misconduct against a legal practitioner the LSRA has an obligation, subject to any appeal of the decision, to arrange for the publication of: the determination of the LPDT; the name of the legal practitioner concerned; the nature of the misconduct; and the sanction imposed. The LSRA intends to publish details of LPDT findings on its website. For complaints about solicitors, the LSRA may also seek to have the LPDT findings published in the Law Society Gazette.

Where, following a recommendation of the LPDT, the High Court makes an order striking the name of a solicitor off the Roll of Solicitors, or the name of a barrister off the Roll of Practising Barristers or suspending either a solicitor or barrister from practice, the LSRA is required to publish a notice of the operative part of the order in *Iris Oifigiúil* and will also publish the details on the LSRA website.

Number and Nature of Complaints Received

During the reporting period from 4 March 2023 to 1 September 2023, the LSRA received a total of 1,602 phone calls and e-mails requesting information and/or complaint forms. In addition, a total of 867 files were opened initially as queries. Following assessment, a total of 655 were then categorised as complaints. This is an increase of 10% in the total number of complaints received in this reporting period compared with the previous one, when 595 complaints were received. Of the 655 complaints, a total of 624 related to solicitors and 31 related to barristers.

The largest category of complaints received related to alleged misconduct. A total of 427 complaints (65%) were in respect of alleged misconduct. A total of 203 complaints (31%) related to alleged legal services of an inadequate standard and a further 25 (4%) came under the category of alleged excessive costs (overcharging).

Complaints relating to alleged misconduct continue to be the highest proportion of the total (65% in this reporting period compared to 63% the previous reporting period).

Complaints of inadequate legal services have remained fairly static (31% in this reporting period and 29% in the last reporting period). The proportion of complaints relating to excessive costs has decreased slightly (4% in this reporting period and 6% in the previous reporting period).

A further breakdown of these figures are provided in the Statistical Breakdown of Complaints section of this report.

Complaints Outcomes

Summary of complaints closed

A total of 671 complaints were closed in this reporting period. Of these, almost half (299, 44%) were closed because they were deemed to be inadmissible following a statutory assessment.

A total of 133 complaints (20%) were resolved informally between the parties with the assistance of the LSRA. These included 19 complaints which were resolved in the LSRA's Informal Resolution process with the help of trained mediators (see below for a breakdown of complaints put forward for Informal Resolution).

Of the remaining complaints: 50 were upheld by the LSRA, 64 were not upheld and 60 were withdrawn. A total of 21 complaints were referred to the LPDT by the Complaints Committee which investigates complaints of alleged misconduct. A further 47 complaints were closed for other reasons including that the complaint was deferred.

Full details of the outcomes of complaints closed in the reporting period are set out in Table 1 in the Complaints Completion Statistics section of this report.

Informally Resolved complaints

In a total of 112 complaints of inadequate legal services or excessive costs which were determined to be admissible, the parties were invited to make efforts to resolve matters in the LSRA's statutory Informal Resolution process. The outcomes of these complaints are as follows:

- In 21 complaints there was no response to the invitation by either the complainant or the legal practitioner.
- In 22 complaints the legal practitioner did not take up the invitation to take part in the Informal Resolution process.
- In 19 complaints the complainant did not take up the invitation to take part in the Informal Resolution process.
- A total of 19 complaints were resolved with the assistance of the LSRA's trained mediators.
- In 31 complaints both parties engaged in the Informal Resolution process but it was not possible to resolve the complaint.

Complaints of inadequate legal services and excessive costs that are not resolved by the informal resolution process proceed to be investigated and determined by the LSRA.

LSRA determinations of complaints in current reporting period

A total of 60 new determinations were made by the LSRA in this reporting period. Of these, 36 complaints were upheld and 24 were not upheld. A further 11 complaints were resolved or could not proceed.

In 20 of the 36 upheld complaints, the legal practitioner was directed to pay compensation to the complainant of up to €3,000. The total amount of that compensation was €31,862.

By way of example, complaints upheld by the LSRA included:

- A complaint where the LSRA determined the legal costs charged were excessive. The legal practitioner was directed to waive client fees of €1,500 plus VAT.
- A complaint where the LSRA determined the legal costs charged were excessive. The legal practitioner was directed to reduce their professional fees from €16,500 plus VAT to €12,000 plus VAT.
- A complaint where the LSRA determined the legal services provided were inadequate. The legal practitioner was directed to waive their costs, transfer the client's file to another legal practitioner and pay €3,000 in compensation to the client.

- In a number of complaints where the LSRA determined that the legal services provided were inadequate. The legal practitioners were directed to pay compensation to their clients of between €150 and €3,000.
- A complaint where the LSRA determined that the legal services provided were inadequate and the legal costs were excessive. The legal practitioner was directed to transfer the client's files to another legal practitioner, pay €200 in compensation to the client, and refund to the client a total of €1,476 in costs.
- A complaint where the LSRA determined the legal costs charged were excessive. The legal practitioner was directed to waive legal costs amounting to €2,952.
- A complaint where the LSRA determined the legal costs charged were excessive. The legal practitioner was directed to refund €6,000 in fees to the client.

Either party to a complaint can seek a review of the LSRA's determinations within 30 days of notification (the review period). Reviews are carried out by the Review Committee. Where the 30 day period expires without a review request, the LSRA's determination is binding upon the parties. For this reason, these reports only report on determinations made by the LSRA where the 30 day review period has passed within the reporting period.

LSRA determination of complaints in previous reporting period

The LSRA can now report on 46 LSRA determinations that were made in a previous reporting period and which were still within the 30 day review period at the time of publication of the last complaints report.

By way of example, the determinations made by the LSRA included:

- A complaint where the LSRA determined that the legal services provided were inadequate. The legal practitioner was directed to furnish to the client's new solicitor a report outlining the actions taken to date and to pay €2,000 in compensation to the client.
- A complaint where the LSRA determined that the legal services provided were inadequate. The legal practitioner was directed to waive all costs, transfer any documents to another legal practitioner, and pay €3,000 in compensation to the client.
- A complaint where the LSRA determined that the legal services provided were inadequate. The legal practitioner was directed not to charge fees for work done to date, transfer the client's file to another legal practitioner and pay €2,000 in compensation to the client.
- A complaint where the LSRA determined the legal costs charged were excessive. The legal practitioner was directed to waive the right to recover costs determined by the LSRA to be excessive and to refund €500 to the client.

Details of LSRA determinations that can now be reported on are set out in Table 2 in the Complaints Completion Statistics section of this report. This table comprises 46 determinations made in a previous reporting period and 28 of the 60 determinations

made in the current reporting period. The next complaints report will include details of those determinations made in the current reporting period that were still within the 30 day review period at the cut-off date for this report.

Review Committee outcomes

The Review Committee met six times in the reporting period to consider LSRA determinations where reviews were requested. A total of 40 complaints were reviewed.

The Review Committee's 40 determinations were as follows:

- A total of 33 LSRA determinations were confirmed. In two of these, the Review Committee increased the amounts of compensation awarded to the complainants. In a further two, the Review Committee decreased the amounts of compensation awarded to the complainants.
- One LSRA determination to uphold a complaint was set aside.
- Four complaints were sent back to the LSRA to be dealt with again.
- In two complaints, the Review Committee upheld the complaint, overturning the original decision to not uphold the complaint. The Committee made no directions to the legal practitioners.

The Review Committee outcomes are set out in Table 3 in the Complaints Completion Statistics section of this report.

Complaints Committee outcomes

The Complaints Committee met on 20 occasions in the reporting period. It considered 133 complaints of alleged misconduct and closed a total of 92. A further nine complaints were closed prior to consideration by the Complaints Committee. Those outcomes were as follows:

- 21 complaints were referred to the Legal Practitioners Disciplinary Tribunal (LPDT) for further investigation.
- 15 complaints were upheld with the Committee issuing directions to the legal practitioners. These included directions to legal practitioners to pay a total of €4,305 in compensation to complainants and to pay €4,000 in costs to the LSRA.
- 39 complaints were not upheld.
- 10 complaints were resolved by the parties.
- Seven complaints were either withdrawn by the complainant or the investigation was discontinued for a range of reasons.
- Of the nine complaints closed prior to consideration by the Complaints Committee, four were resolved by the parties themselves and five were withdrawn by the complainant or discontinued for a range of reasons.

The Complaints Committee outcomes are set out in Tables 4 and 5 in the Complaints Completion Statistics section of this report.

Enforcement in the High Court

As in the last reporting period, the LSRA has issued instructions to external legal representatives to begin enforcement proceedings against legal practitioners under section 90 of the Act. These High Court actions are for an order to direct a legal practitioner to comply with the LSRA's determinations and directions.

In this reporting period, the LSRA secured nine enforcement orders from the President of the High Court. In addition, one enforcement action was settled, with the legal practitioner agreeing to make a payment towards the LSRA's legal costs. The LSRA recovered a total of €20,976 in legal costs from legal practitioners in this period.

The nine actions in which High Court orders were secured related to the following complaints:

- A complaint of legal services of an inadequate standard in the representation of a client involving a personal injury claim. The solicitor was directed by the LSRA to waive their fee and transfer the client's documents to another solicitor nominated by the client.
- A complaint of legal services of an inadequate standard involving undue delay in representing the client in negotiating with financial institutions. The solicitor was directed to pay the client the sum of €3,000.
- A complaint of legal services of an inadequate standard involving undue delay in conducting court proceedings. The solicitor was directed to transfer documents and pay the client the sum of €650 in compensation.

- A complaint of legal services of an inadequate standard in the representation of a client involving the probate of various estates. The solicitor was directed to transfer documents and information and to pay €3,000 to the client in compensation.
- A complaint of legal services of an inadequate standard in the conduct of litigation. The solicitor was directed to waive their professional fee and transfer documents to the client.
- A complaint of legal services of an inadequate standard in the representation of a client involving conveyancing of a property. The solicitor was directed to waive their professional fee, transfer documents and pay €1,500 to the client in compensation.
- A complaint of legal services of an inadequate standard in the representation of a client in personal injury litigation. The solicitor was directed to transfer documents to the client.
- A complaint of legal services of an inadequate standard in the representation of a client in litigation. The solicitor was directed to waive their professional fee, transfer documents and pay €1,000 to the client in compensation.
- A complaint of legal services of an inadequate standard in the representation of a client relating to the administration of various wills and related property transactions. The solicitor was directed to transfer documents, waive their professional fee and pay €1,500 to the LSRA as a contribution to their costs and €2,500 to the client in compensation.

Legal Practitioners Disciplinary Tribunal

During the period covered by this report, the LSRA's Complaints Committee made two applications to the LPDT to hold an inquiry. The LSRA will report on the findings made by the LPDT in future reports.

Themes Emerging from Complaints

In this report the LSRA highlights the following issues:

The importance of properly executing deeds

Certain legal documents must be executed in the form of a deed. These almost always contain onerous legal obligations, conditions and covenants, for example in the transfer of property. Great care should be taken when executing and witnessing deeds.

Given the complexity of property transfers, it is of the utmost importance that the execution by any of the parties to a deed should be properly and correctly witnessed and the name, address and occupation of the witness marked clearly on the deed. It might be necessary in the future to identify the witness in the event of a dispute. Having the documents independently witnessed is an important safeguard against fraud.

For a legal practitioner to state on a deed that they have witnessed a signature when they did not is dishonest and could have potential repercussions both in terms of professional misconduct and professional indemnity insurance cover.

Furthermore, particular care needs to be taken when deeds have to be executed in connection with the transfer of a family home or where a property transaction involves an elderly or vulnerable person. There are also specific rules on the execution of deeds by a corporate body. Legal practitioners should be aware of their obligations and ensure that they follow them at all times.

Complaints Committee costs can be substantial

Where the Complaints Committee upholds a complaint and decides to impose a sanction, it can direct a legal practitioner to pay compensation to a client of up to €5,000. The Complaints Committee also has the power to direct a legal practitioner to pay up to €5,000 as a contribution towards costs incurred by the LSRA in handling a complaint.

Legal practitioners should also be aware that the Complaints Committee can also direct a legal practitioner to pay up to €2,500 where the Committee determines that the legal practitioner has refused, neglected or otherwise failed to respond appropriately in a timely manner to written requests from the Committee and as a result the LSRA has incurred additional costs in the investigation of the complaint.

Client agreement need for instructing counsel

The Law Society's Guide to Good Professional Conduct states that a solicitor should not instruct a barrister without the client's agreement. That agreement should be confirmed in writing by the solicitor to the client and by the solicitor to the barrister.

Section 150 of the Legal Services Regulation Act 2015 requires that, where a matter involves or is likely to involve litigation, the solicitor shall not engage a practising barrister without first ascertaining the likely cost of engaging the barrister, providing the client with details of the likely cost and satisfying themselves that the client has provided their consent to engaging the barrister.

Where the solicitor, having established their client's consent, proceeds to instruct a barrister, the barrister is obliged to provide a notice to the solicitor setting out the estimated legal costs in accordance with section 150 of the Act. The solicitor is then required to provide the client with the fee estimate provided by counsel and to request any clarification from counsel that may be required.

LSRA enforcement actions in High Court

The LSRA has stated in previous reports that where the LSRA staff or the Complaints Committee issue determinations and directions that are not complied with by legal practitioners, the LSRA will enforce these by taking High Court proceedings under section 90 of the Act.

Where the LSRA obtains a High Court order, it will ask the court to also make an order for the payment of the costs of the application, to be adjudicated if not agreed. In most cases to date, those costs have been quite substantial. Legal practitioners should avail of all possible opportunities to comply with the LSRA's determinations and directions in order to avoid the need for such High Court applications.

Case Studies

This section contains a selection of anonymised case studies based on actual complaints dealt with by the LSRA in this reporting period. Details of the complaints may have been altered to ensure anonymity, but the case studies should serve to illustrate the nature of the complaints we receive as well as the outcomes. It is hoped that these case studies are useful for both consumers and legal practitioners.



CASE STUDY 1

Solicitor directed to pay compensation for not providing clear explanations to client about legal costs

Type of Complaint: Inadequate legal services

The solicitor was instructed by the complainant to pursue a personal injuries claim. The legal action was settled prior to going to court and a financial award was made to the complainant by the defendant. The solicitor transferred most, but not all, of the award to the client. As is quite common, a portion of the award was retained pending an agreement on the costs between the parties. When the balance of the award was paid, the complainant did not agree with all the charges, and felt they had not been adequately explained. The solicitor did not respond to the client's letters seeking clarification about the charges.

The parties failed to reach a solution through Informal Resolution with the assistance of a trained mediator from the LSRA. The complaint therefore proceeded to investigation.

Outcome: Complaint Upheld

The LSRA found that the legal services provided by the legal practitioner were of an inadequate standard because the poor communication from the solicitor to the client led to confusion about the costs. Issues that should have been clearly explained to the client by the solicitor were not addressed.

The LSRA directed the solicitor to pay €500 in compensation to the client. The solicitor requested that the LSRA determination and direction be referred to the Review Committee. The Review Committee upheld the LSRA's decision, and the solicitor paid the compensation to the complainant.

Lessons for the Public

You are entitled to receive a full and clear explanation of costs from your solicitor. That explanation should set out clearly and in plain language the amount of your solicitor's costs that have been recovered from the defendant as part of any agreed settlement or court order, as well as the costs, if any, which remain to be paid to the solicitor by you.

Lessons for Practitioners

It is important to explain clearly to clients the costs you are charging and to set out clearly which portion of these you have recovered from the defendant. You must ensure that your clients know the amount of costs, if any, which remain to be paid to you directly by them, after you have recovered costs from the defendant. It is particularly important to ensure that specific questions from your client on these issues are not left unanswered.

CASE STUDY 2

High Court orders solicitor to pay LSRA's legal costs for action to enforce its decision in services complaint

Type of Complaint: Inadequate legal services

The complainant was an executor of his late mother's estate and had instructed the solicitor to deal with it on his behalf. There were very lengthy periods without any communication from the solicitor to the complainant. The complainant wrote to the solicitor on numerous occasions to seek an update, but did not receive any responses. The complainant was also unable to secure an appointment to see the solicitor.

Outcome: Complaint Upheld

The LSRA wrote to both parties inviting them to try to resolve the complaint through Informal Resolution with the assistance of a trained mediator. The complainant agreed to this, but the solicitor did not respond. Accordingly, the complaint was sent for investigation. The LSRA found that the legal services provided to the complainant were of an inadequate standard as there were delays, coupled with a longstanding failure to communicate.

The LSRA directed the solicitor to transfer the client's file to another solicitor nominated by the complainant, to waive their costs and to pay €1,000 in compensation to the complainant. The solicitor did not seek a review of the LSRA's determination, and failed to comply with the directions.

Using its enforcement powers, the LSRA sought a High Court order to direct the solicitor to comply with its direction. The solicitor engaged with the court proceedings, confirming to the court that he had complied with the LSRA directions. The President of the High Court, therefore, struck out the proceedings and also made an order that the solicitor pay the LSRA's legal costs.

Lessons for the Public

If you have not heard from your solicitor for some time, your calls are not being returned and your letters and emails are not being replied to, then you may wish to consider making a complaint of inadequate service to the LSRA.

Lessons for Practitioners

The LSRA encourages parties to resolve complaints if at all possible and this complaint is one that could easily have been resolved in Informal Resolution. All legal practitioners will be aware of the very serious consequences that follow any failure to comply with an order of the High Court. The High Court costs ultimately paid by the solicitor in this case were many times greater than the compensation originally directed by the LSRA to be paid by the solicitor to the complainant.

CASE STUDY 3

Solicitor and client resolve costs issues and settle complaint informally with LSRA assistance

Type of Complaint: *Excessive fees*

The solicitor was instructed by the complainant, who was an executor in the administration of an estate. The complainant considered that the fees charged by the solicitor were excessive and made a complaint in the absence of any explanation from the solicitor.

Outcome: *Complaint resolved through Informal Resolution with LSRA mediator*

Both parties took up the LSRA's invitation to try to resolve the complaint through Informal Resolution. An LSRA mediator contacted both parties separately by phone explaining the process, listening to both parties' perspective and supporting them to develop options for resolving the complaint informally. The solicitor reviewed the client's file. The parties came to a written agreement for the solicitor to pay the complainant an agreed amount in compensation to resolve the complaint.

Lessons for the Public

Informal Resolution offers a confidential, fast and convenient way of resolving your complaint. If an informal solution cannot be achieved, you still have the option of progressing your complaint formally through the LSRA's investigation process. Teasing out issues with the help of our trained mediators can bring insights into how legal costs can mount up and can also help you to appreciate the amount of work done by the legal practitioner.

Lessons for Practitioners

You should be aware of your obligations to keep clients informed about their costs. When first instructed, you must provide clients with a notice written in clear language setting out the legal costs that will be incurred. You must also provide updated costs notices as required. Where a client disputes any aspect of their bill, you are also obliged to take all appropriate and reasonable steps to resolve the dispute by informal means. This complaint was resolved during the LSRA's Informal Resolution process. Had the legal practitioner complied with the requirement under section 153 of the Act to attempt to resolve the dispute by informal means, the complaint could have been avoided altogether.

CASE STUDY 4

Agreement between parties at an advanced stage shows it is never too late to resolve complaints

Type of Complaint: *Misconduct: Inadequate services to a substantial degree*

The complainant alleged that the solicitor had failed to register land purchases with the Property Registration Authority that went back over a number of years. The solicitor did not accept the LSRA's invitation to try to resolve the complaint through Informal Resolution with the assistance of a mediator. As the complaint involved alleged misconduct, it was therefore referred to the Complaints Committee for investigation.

Outcome: *Complaint withdrawn following resolution between the parties*

Following the Complaint Committee's first meeting the parties met and agreed how the rectification and registration of the land would be completed. The legal practitioner agreed not to charge the complainant for this work. The complainant was satisfied that this resolved matters, and withdrew the complaint.

Lessons for the Public

Always be prepared to engage with the legal practitioner to try to resolve issues. Even if Informal Resolution does not proceed or is unsuccessful, it may still be possible to resolve matters to your satisfaction at a relatively late stage in the LSRA's investigation process.

Lessons for Practitioners

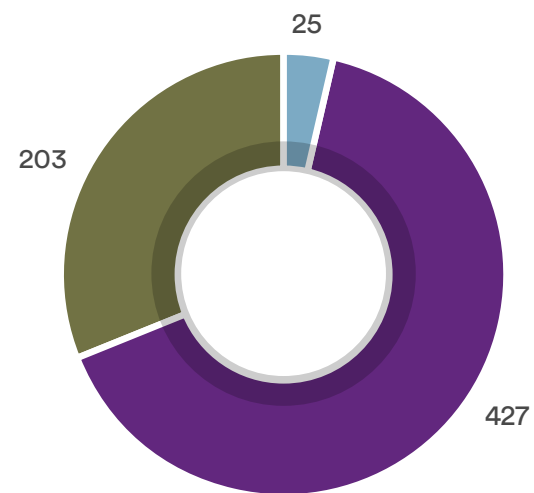
Where a complaint relates to the provision of legal services which were inadequate to a substantial degree, this can amount to misconduct. The LSRA is obliged in such cases to attempt to resolve the matter between the parties while at the same time the matter is also referred to the Complaints Committee for investigation. The Complaints Committee, the LPDT and the High Court, when considering complaints of this nature can have regard to the efforts made by the legal practitioner to resolve the matter when determining what sanction, if any, should be imposed.

Statistical Breakdown of Complaints

Complaints Received

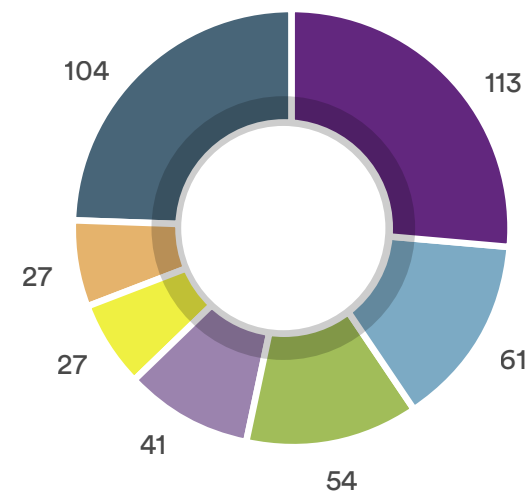
From 4 March 2023 to 1 September 2023

All Complaints



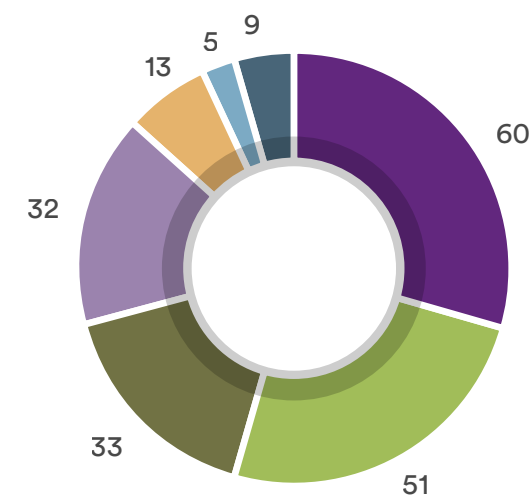
● Misconduct	427	(65.2%)
● Inadequate Legal Services	203	(31.0%)
● Excessive Costs	25	(3.8%)
TOTAL	655	

Misconduct



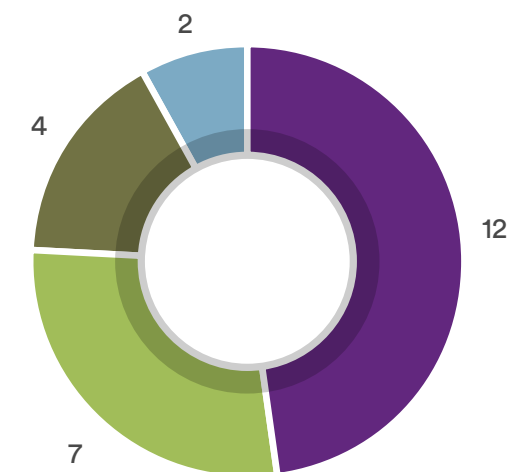
● Bringing profession into disrepute	113	(26.5%)
● Delay	61	(14.3%)
● Failure to communicate	54	(12.6%)
● Failure to hand over	41	(9.6%)
● Failure to comply with undertaking	27	(6.3%)
● Failure to account	27	(6.3%)
● Other	104	(24.4%)

Inadequate Legal Services



● Litigation	60	(29.5%)
● Conveyancing	51	(25.1%)
● Probate	33	(16.3%)
● Family	32	(15.8%)
● Crime	13	(6.4%)
● Employment	5	(2.5%)
● Other	9	(4.4%)
TOTAL	203	

Excessive Costs



● Litigation	12	(48.0%)
● Conveyancing	7	(28.0%)
● Family	4	(16.0%)
● Other	2	(8.0%)
TOTAL	25	

Complaints Completion Statistics

Complaints closed from 4 March 2023 to 1 September 2023

TABLE 1: Complaints Closed

Inadmissible	299	44.0%
Resolved with assistance of LSRA	133	20.0%
Not Upheld	64	9.5%
Withdrawn (or could not proceed)	60	9.0%
Upheld	50	7.5%
Referred to the LPDT	21	3.0%
Other	47	7.0%
TOTAL COMPLAINTS CLOSED	674*	

* Two complaints were resolved in mediation and also resolved at the Complaints Committee, one complaint was determined by LSRA staff and also referred to the LPDT by the Complaints Committee.

TABLE 2: Complaints Determined by LSRA Complaints Staff*

No.	Date of LSRA Determination	Outcome/Direction to Legal Practitioner	Direction under the Act
1	18/05/2022	Not upheld	
2	17/06/2022	Reimburse €245 medical fee to client and pay to the client €500 as compensation	s60(6)(b) and s60(6)(d)
3	22/06/2022	Not upheld	
4	29/06/2022	Not upheld	
5	29/06/2022	Not upheld	
6	13/07/2022	Furnish to the client's new solicitor a report outlining actions taken to date, and proposed final actions. Fully address any queries within 14 days. Pay to the client €2,000 as compensation	s60(6)(a) and s60(6)(d)
7	13/07/2022	Pay to the client €500 as compensation	s60(6)(d)
8	26/07/2022	Refund €500 in costs	s61(6)(a)
9	26/07/2022	Not upheld	
10	27/07/2022	Pay to the client €750 as compensation	s60(6)(d)
11	03/08/2022	Not upheld	
12	24/08/2022	Pay to the client €500 as compensation	s60(6)(d)
13	24/08/2022	Pay to the client €250 as compensation	s60(6)(d)
14	12/09/2022	Not upheld	

TABLE 2: (Continued)

No.	Date of LSRA Determination	Upheld/Direction to Legal Practitioner	Section of the Act
15	14/09/2022	Not upheld	
16	21/09/2022	Not upheld	
17	18/10/2022	Transfer file to nominated solicitors	s60(6)(c)
18	26/10/2022	Transfer any documents to another legal practitioner and pay to the client €300 as compensation	s60(6)(c) and s60(6)(d)
19	26/10/2022	Transfer any documents to another legal practitioner and to waive any costs	s60(6)(c)
20	27/10/2022	Not upheld	
21	27/10/2022	Not upheld	
22	02/11/2022	Transfer any documents to another legal practitioner and pay to the client €2,000 as compensation	s60(6)(c) and s60(6)(d)
23	14/11/2022	Not upheld	
24	30/11/2022	Pay to the client €1,000 as compensation. A complaint of excessive costs was not upheld	s60(6)(d)
25	30/11/2022	Not upheld	
26	30/11/2022	Provide a bill of costs in the format provided for in section 152 of the Act and pay to the client €250 as compensation	s60(6)(a) and s60(6)(d)

TABLE 2: (Continued)

No.	Date of LSRA Determination	Upheld/Direction to Legal Practitioner	Section of the Act
27	01/12/2022	Transfer any documents to another legal practitioner and refund to the client the professional fee	s60(6)(c)
28	01/12/2022	Transfer any documents to another legal practitioner and not seek a professional fee	s60(6)(c)
29	05/12/2022	Not upheld	
30	06/01/2023	Not upheld	
31	09/01/2023	Not upheld	
32	16/01/2023	Upheld with no direction	
33	19/01/2023	Pay to the client €150 as compensation	s60(6)(d)
34	19/01/2023	Not upheld	
35	25/01/2023	Waive fees and transfer the file to another legal practitioner together with full statement of account and any estate funds. Pay to the client €1,500 as compensation	s60(6)(c) and s60(6)(d)
36	26/01/2023	Refund €500 in costs to the client and waive the right to recover costs determined to be excessive	s61(6)(a) and s61(6)(b)
37	02/02/2023	Waive all costs, transfer any documents to another solicitor and pay to the client €3,000 as compensation	s60(6)(c) and s60(6)(d)

TABLE 2: (Continued)

No.	Date of LSRA Determination	Upheld/Direction to Legal Practitioner	Section of the Act
38	02/02/2023	Refund to the client €12,300	s61(6)(a)
39	09/02/2023	Waive fees, transfer the file to another legal practitioner and pay to the client €2,000 as compensation	s60(6)(b), s60(6)(c) and s60(6)(d)
40	09/02/2023	Not upheld	
41	15/02/2023	Upheld with no direction	
42	16/02/2023	Transfer any documents to another legal practitioner or the client and waive costs	s60(6)(c)
43	24/02/2023	Not upheld	
44	24/02/2023	Pay to the client €500 as compensation	s60(6)(d)
45	28/02/2023	Waive fees over and above those initially paid by the client	s61(6)(b)
46	02/03/2023	Not upheld	
47	15/03/2023	Not upheld	
48	15/03/2023	Not upheld	
49	20/03/2023	Not upheld	
50	20/03/2023	Transfer the files, pay to the client €200 as compensation and refund costs paid (understood to be €1,476)	s60(6)(c), s60(6)(d) and s61(6)(a)

TABLE 2: (Continued)

No.	Date of LSRA Determination	Upheld/Direction to Legal Practitioner	Section of the Act
51	23/03/2023	Pay to the client €750 as compensation	s60(6)(d)
52	27/03/2023	Not upheld	
53	04/04/2023	Waive right to recover €2,952 in costs, reducing costs to €700 plus VAT	s61(6)(b)
54	17/04/2023	Not upheld	
55	19/04/2023	Pay to the client €750 as compensation	s60(6)(d)
56	02/05/2023	Not upheld	
57	08/05/2023	Pay to the client €2,512 as compensation	s60(6)(d)
58	11/05/2023	Waive €1,500 plus VAT, reducing the professional fee to €3,500 plus VAT	s61(6)(b)
59	12/05/2023	Not upheld	
60	17/05/2023	Pay to the client €300 as compensation	s60(6)(d)
61	29/05/2023	Waive fees, transfer documents and pay to the client €3,000 as compensation	s60(6)(c) and s60(6)(d)
62	31/05/2023	Pay to the client €500 as compensation	s60(6)(d)
63	08/06/2023	Pay the client €600 in compensation	s60(6)(d)
64	08/06/2023	Comply with proposal to resolve the complaint by refunding the client's Legal Aid Board contribution and €15 stamp duty	s60(6)(b)

TABLE 2: (Continued)

No.	Date of LSRA Determination	Upheld/Direction to Legal Practitioner	Section of the Act
65	09/06/2023	Not upheld	
66	15/06/2023	Not upheld	
67	22/06/2023	Reduce professional fee to €7,342 plus VAT and outlay	s61(6)(b)
68	28/06/2023	Reduce professional fee from €16,500 plus VAT to €12,000 plus VAT	s61(6)(a)
69	28/06/2023	Pay to the client €150 as compensation	s60(6)(d)
70	29/06/2023	Not upheld	
71	05/07/2023	Waive any fees due to the firm for any work done and transfer the file	s60(6)(c)
72	08/07/2023	Refund €6,000 in costs	s61(6)(a)
73	08/07/2023	Transfer any documents to another legal practitioner	s61(6)(c)
74	20/07/2023	Transfer any documents and pay €600 to the client as compensation	s60(6)(c) and s60(6)(d)

* This table comprises 46 determinations made in a previous reporting period and 28 of the 60 determinations made in the current reporting period.

TABLE 3: Review Committee Outcomes

No.	Date of LSRA Determination	LSRA Direction	Date of Review Committee Meeting	Outcome
1	18/05/2022	Not upheld	19/04/2023	Confirmed LSRA determination s62(5)(a)
2	17/06/2022	Reimburse €245 medical fee to client and pay to the client €500 as compensation	14/03/2023	Confirmed LSRA determination s62(5)(a)
3	22/06/2022	Not upheld	14/03/2023	Confirmed LSRA determination s62(5)(a)
4	29/06/2022	Not upheld	19/04/2023	Remitted the complaint to the LSRA to be dealt with again s62(5)(b)
5	29/06/2022	Not Upheld	04/07/2023	Did not confirm LSRA determination. Upheld the complaint under section 60 of the Act. No direction made under section 60(6) of the Act
6	13/07/2022	Pay to the client €500 as compensation	14/03/2023	Confirmed LSRA determination s62(5)(a)
7	13/07/2022	Furnish to the client's new solicitor a report outlining the actions taken to date, and the proposed final actions, fully address any queries within 14 days, and pay to the client €2,000 as compensation	04/04/2023	Confirmed LSRA determination s62(5)(a)
8	26/07/2022	Refund €500 in costs	14/03/2023	Confirmed LSRA determination s62(5)(a)

TABLE 3: (Continued)

No.	Date of LSRA Determination	LSRA Direction	Date of Review Committee Meeting	Outcome
9	26/07/2022	Not upheld	14/03/2023	Confirmed LSRA determination s62(5)(a)
10	27/07/2022	Pay to the client €750 as compensation	07/06/2023	Confirmed LSRA determination s62(5)(a) with additional €250 compensation to be paid to client and to handover the file
11	03/08/2022	Not upheld	14/03/2023	Confirmed LSRA determination s62(5)(a)
12	24/08/2022	Pay to the client €500 as compensation	14/03/2023	Confirmed LSRA determination s62(5)(a)
13	24/08/2022	Pay to the client €250 as compensation	14/03/2023	Confirmed LSRA determination s62(5)(a)
14	12/09/2022	Not upheld	19/07/2023	Confirmed LSRA determination s62(5)(a)
15	14/09/2022	Not upheld	19/04/2023	Confirmed LSRA determination s62(5)(a)
16	21/09/2022	Not upheld	04/07/2023	Did not confirm LSRA determination. Upheld the complaint under section 61 of the Act. No direction made under section 61(6) of the Act
17	18/10/2022	Transfer file to nominated solicitors	19/04/2023	Confirmed LSRA determination s62(5)(a)

TABLE 3: (Continued)

No.	Date of LSRA Determination	LSRA Direction	Date of Review Committee Meeting	Outcome
18	26/10/2022	Transfer any documents to another legal practitioner and pay to the client €300 as compensation	14/03/2023	Confirmed LSRA determination s62(5)(a)
19	26/10/2022	Transfer any documents to another legal practitioner and waive any costs	04/07/2023	Did not confirm LSRA determination
20	27/10/2022	Not upheld	19/04/2023	Confirmed LSRA determination s62(5)(a)
21	02/11/2022	Transfer any documents to another legal practitioner and pay to the client €2,000 as compensation	07/06/2023	Confirmed LSRA determination s62(5)(a), reduced compensation to €1,000
22	14/11/2022	Not upheld	07/06/2023	Confirmed LSRA determination s62(5)(a)
23	30/11/2022	Pay to the client €1,000 as compensation. A complaint of excessive costs was not upheld	19/04/2023	Confirmed LSRA determination s62(5)(a) and additional €500 compensation to be paid to client
24	30/11/2022	Not upheld	07/06/2023	Confirmed LSRA determination s62(5)(a)

TABLE 3: (Continued)

No.	Date of LSRA Determination	LSRA Direction	Date of Review Committee Meeting	Outcome
25	30/11/2022	Provide a bill of costs in the format provided for in section 152 of the Act and pay to the client €250 as compensation	04/07/2023	Confirmed LSRA determination s62(5)(a)
26	01/12/2022	Transfer any documents to another legal practitioner and refund to the client the professional fee	04/07/2023	Remitted complaint to the LSRA to be dealt with again s62(5)(b)
27	01/12/2022	Transfer any documents to another legal practitioner and not to seek a professional fee	19/04/2023	Confirmed LSRA determination s62(5)(a)
28	05/12/2022	Not upheld	07/06/2023	Confirmed LSRA determination s62(5)(a)
29	06/01/2023	Not upheld	19/07/2023	Remitted complaint to the LSRA to be dealt with again s62(5)(b)
30	09/01/2023	Not upheld	19/07/2023	Confirmed LSRA determination s62(5)(a)
31	16/01/2023	Upheld but no direction under s60(6) of the Act	04/07/2023	Confirmed LSRA determination s62(5)(a)
32	19/01/2023	Pay to the client €150 as compensation	19/07/2023	Confirmed LSRA determination s62(5)(a)
33	19/01/2023	Not upheld	07/06/2023	Confirmed LSRA determination s62(5)(a)

TABLE 3: (Continued)

No.	Date of LSRA Determination	LSRA Direction	Date of Review Committee Meeting	Outcome
34	25/01/2023	Waive any fees and transfer the file to another legal practitioner together with full statement of account and any estate funds, pay to the client €1,500 as compensation	07/06/2023	Confirmed LSRA determination s62(5)(a), reduced compensation to €500
35	26/01/2023	Refund €500 in costs and waive the right to recover costs determined to be excessive. A complaint of services of an inadequate standard was not upheld	04/07/2023	Confirmed LSRA determination s62(5)(a)
36	02/02/2023	Refund to the client the sum of €12,300	04/07/2023	Remitted complaint to the LSRA to be dealt with again s62(5)(b)
37	16/02/2023	Transfer any documents to another legal practitioner or alternatively to the client and not to seek any costs	04/07/2023	Confirmed LSRA determination s62(5)(a)
38	15/03/2023	Not upheld	04/07/2023	Confirmed LSRA determination s62(5)(a)
39	15/03/2023	Not upheld	04/07/2023	Confirmed LSRA determination s62(5)(a)
40	17/04/2023	Not upheld	04/07/2023	Confirmed LSRA determination s62(5)(a)

TABLE 4: Complaints Committee Outcomes

Complaints Committee Outcomes	
Referred to LPDT	21
Upheld/Direction	15
Not Upheld	39
Resolved	10
Withdrawn/Other Outcome	7
Closed prior to Complaints Committee consideration	9
TOTAL	101

TABLE 5: Complaints Committee Directions and Referrals

No.	Date of Committee Meeting	Nature of Complaint	Determination
1	02/03/2023	Delays in providing information and documentation	Upheld - direction s71(5)(c) All copying charges, except the sum of €150 plus VAT, be refunded
2	02/03/2023	Issues with the processing of an application for an Irish Residence Permit and citizenship	Upheld - direction s71(5)(c) Refund all fees paid
3	02/03/2023	Failure to hand over will	Upheld - direction s71(5)(d) Hand over the will
4	13/04/2023	Provision of incorrect information regarding the outcome of District Court appeal cases	Upheld - no direction
5	27/04/2023	Delays in providing a bill of costs, lack of progress and communication	Upheld - directions s71(5)(c) and s71(5)(d) Reduce the total professional fee to €20,000 inclusive of VAT and transfer the file to another solicitor
6	27/04/2023	Failure to properly draft a will	Upheld - direction s71(5)(b) To participate in a module of a professional competence scheme
7	27/04/2023	Failure to provide costs information	Upheld - direction s71(5)(c) Reduce the outlays owed to the solicitor to €551
8	27/04/2023	Breach of para. 7.2 of the Guide to Good Professional Conduct for Solicitors	Upheld - directions s71(5)(h) and s71(5)(b) Payment to the Authority of €500 and completion of nine hours Client Care and 15 hours Professional Development (in addition to 17 hours of general legal CPD)

TABLE 5: (Continued)

No.	Date of Committee Meeting	Nature of Complaint	Determination
9	03/05/2023	Failure to transfer file to another solicitor	Upheld - directions s71(5)(c) and s71(5)(d) waive all fees and hand over the file to another solicitor
10	25/05/2023	Delays in completing land registration	Upheld - direction s71(5)(c) Refund fees of €500
11	25/05/2023	Failure to comply with section 150 of the Act in relation to costs	Upheld - direction s71(5)(c) Refund €250 plus VAT
12	12/07/2023	Failure to take proper instructions for a will	Upheld - no direction
13	12/07/2023	Failure to provide costs information, grossly excessive and duplicate charges	Upheld - no direction
14	20/07/2023	Failure to comply with undertaking	Upheld - directions s71(5)(g) and s71(5)(h) pay to the client €3,500 plus VAT as compensation and pay to the LSRA €1,000 towards costs
15	26/07/2023	Failure to comply with undertaking	Upheld - direction s71(5)(i) pay to the LSRA €2,500 towards costs



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