



An tÚdarás Rialála
Seirbhísi Dlí
Legal Services
Regulatory Authority

Guidelines for the resolution of complaints by mediation or informal means

Section 67 Legal Services Regulation Act 2015
March 2024

Introduction

These guidelines set out the process which will be implemented once a complaint of inadequate service and/or excessive costs has been determined to be admissible.

A preliminary review of complaints will be conducted in line with [s.57 \(1\)](#) and the admissibility of the complaint will be determined in line with [s.58 of the Legal Services Regulation Act 2015, as amended \(“the Act”\)](#). The preliminary review will consider the initial complaint, submissions made by the legal practitioner in response to the complaint and any additional information sought under [s.57 \(4\) of the Act](#) from either the complainant or the legal practitioner.

The term, ‘informal resolution’, used throughout this document refers to the process by which the Legal Services Regulatory Authority (LSRA) facilitates the resolution of complaints informally. The LSRA may provide this service either, directly, free of charge by its own trained staff, or by external professionals appointed with the agreement of all parties to a complaint. However, any costs associated with external professionals will be borne by the parties to the complaint directly.

Purpose of these Guidelines

[Section 67](#) of the Act requires the LSRA to prepare and publish guidelines in relation to the resolution of complaints by informal means. These guidelines:

- (a) Set out the process whereby a determination can be made in respect of whether a complaint can be resolved by informal means;
- (b) Provide for the recording of the manner in which a complaint was resolved and of the terms of any agreement between the complainant and the legal practitioner, the subject of the complaint;

(c) Outline the steps to be taken (including notice to the Authority, the complainant, the legal practitioner concerned and, where applicable, the Complaints Committee) if the complaint cannot, in the opinion of the person attempting to do so, be resolved by informal means; and

(d) Contain any other matters that the Authority considers necessary or appropriate for facilitating the resolution of the complaint by informal means.

How the LSRA Informal Resolution Process Works

Complaints that are referred for resolution by informal means in line with s.67(a):

All admissible complaints which relate to inadequate service [\(s.51\(1\)\(a\)\)](#) will, in accordance with [s.60\(1\)](#), be referred for resolution by informal means.

All admissible complaints which relate to excessive costs [\(s.51\(1\)\(b\)\)](#) will, in accordance with [s.61\(1\)](#), be referred for resolution by informal means.

All admissible complaints which relate to inadequate service to a substantial degree [\(s.50\(1\)\(b\)\)](#) will, in accordance with [s.64\(1\)](#), be referred for resolution by informal means.

Steps to be taken in the informal resolution process

The LSRA's informal resolution process is a confidential process. The parties (and any persons accompanying or assisting them, including a legal advisor) are bound by confidentiality in relation to all statements made in the course of attempting to resolve a complaint in the manner specified in [s.60](#), [s.61](#) or [s.64](#) of the Act.

All records and notes relating to the informal resolution process shall be confidential and shall not be disclosed in any proceedings before a court or otherwise, subject to specific exceptions as may be required by law. In particular, sections [10](#) and [17](#) of the Mediation Act, 2017 apply in respect of specific exceptions to confidentiality.

In line with [s.65\(1\)](#), no statement made in the course of attempting to resolve a complaint, by a complainant or legal practitioner who is the subject of the complaint, may be used in any disciplinary, civil or criminal proceedings or communicated to any person other than the persons participating in the attempt to resolve the complaint.

In the event a complaint cannot be resolved informally, the person assisting the parties to resolve the complaint will notify the LSRA, the complainant and the legal practitioner that "the complaint did not resolve" and the complaint will be returned to the LSRA for investigation.

In the event that a complaint of inadequate service to a substantial degree is resolved to the satisfaction of the complainant, it may subsequently be referred to the

Complaints Committee for further investigation by the LSRA.

Recording of the manner in which a complaint was resolved in line with s.67(b)

When the informal resolution process has concluded and the complaint has been resolved, the person assisting the parties to resolve the complaint will record the terms agreed and send it to each party. This record is confidential to the parties. The parties may have to use the record to enforce a term or to seek redress in the event of a breach of the terms agreed. In that event, the confidentiality of the agreed terms is waived to the extent required by law.

Standard procedures for the informal resolution of complaints in line with s.67(d)

The LSRA will publish procedures for the informal resolution process on its website, www.lsra.ie .

ENDS