



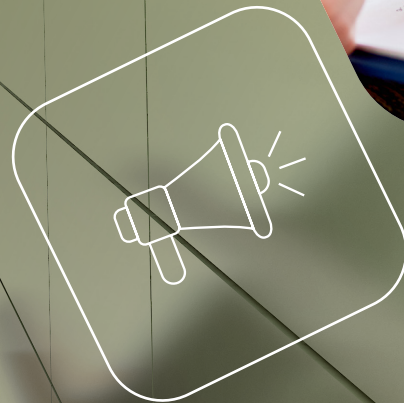
An tÚdarás Rialála  
Seirbhíse Dlí  
Legal Services  
Regulatory Authority

# Independent Complaints Handling

Complaints about  
solicitors and barristers

**Report 1 - 2024**

From 2 September 2023  
to 1 March 2024



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# Foreword by the Chief Executive Officer

I am pleased to introduce the first bi-annual report of 2024 into the operation of the independent complaints function of the Legal Services Regulatory Authority. This report documents trends, themes and statistics from 2 September 2023 to 1 March 2024.

The report is the ninth published by the LSRA on the operation of its complaints function and once again reflects on a busy period for the LSRA's complaints team.

The reporting period saw LSRA complaints staff receive 1,403 phone calls and emails requesting complaints forms and other assistance. The complaints team opened 845 query files in the period, of which 637 were upgraded to complaints. A total of 796 complaints were closed in the period, the outcomes of which are summarised in this report. 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. Improving the experiences of both legal practitioners and consumers who engage in the complaints process, including the quality and timeliness of the service we deliver, is a key focus for the LSRA.

In previous reports and indeed when I have the opportunity to speak to legal practitioners, I have repeatedly highlighted the number of complaints that are resolved by legal practitioners and complainants through positive engagement early in the complaints process and often before a complaint has been determined to be admissible. I am pleased to report that in this reporting period a total of 64 complaints were resolved between the parties in the pre-admissibility process through early engagement. A further 18 complaints were resolved between the parties with the assistance of the LSRA's trained mediators. We focus on mediation and the informal resolution of complaints as a theme in this report and in the case studies.

The LSRA is of the view that there is a clear and tangible benefit to both legal practitioners and to complainants in attempting to resolve complaints at the earliest stage possible. Early resolution of complaints can avoid protracted and costly investigations and reduces the costs of the LSRA which are passed on to all legal practitioners through the annual levy.

Unfortunately, not all legal practitioners choose to engage with the LSRA in such a positive manner. The LSRA has repeatedly had cause to initiate High Court enforcement proceedings against legal practitioners who have not complied with directions or determinations. This report highlights the small number of instances where High Court orders for enforcement have been granted and the legal practitioners have still not complied. In these instances the LSRA has applied to the High Court for leave to issue orders of attachment or committal which in effect puts the legal practitioner at risk of being put in prison unless they comply with the High Court order enforcing the directions or determinations of the LSRA.

These applications and the resulting cost would not be necessary if the legal practitioners concerned would just comply with the direction made by the LSRA in the first place. No benefit is gained by a legal practitioner through not complying and by not doing so they are simply putting the LSRA to further effort and expense and for the complainant they are adding to the mounting frustration. The costs of these proceedings are also likely to be borne by their colleagues through the statutory levy.

Legal practitioners should be aware that the LSRA will not hesitate to use the full extent of its statutory powers to ensure they comply in full with all determinations and directions made. Where the LSRA makes a determination in a complaint and issues a statutory direction, the legal practitioner should comply in a timely manner. If not, we will take them to court.

Elsewhere in this report we highlight the amendments to the Legal Services Regulation Act 2015 which oblige practising barristers to ensure that their entry on the Roll of Practising Barristers is accurate and up to date. The changes under the Courts and Civil Law (Miscellaneous Provisions) Act 2023 mean that barristers on the Roll are required to update their details on the Roll in a timely manner and apply to have their name removed from the Roll where they no longer wish to provide legal services. A failure to update the LSRA could constitute misconduct in certain circumstances. The Roll of Practising Barristers is an important consumer protection tool as anyone can check the Roll, which is available on the LSRA website, to make sure that the barrister with whom they are engaging is entitled to provide legal services in the state and is subject to proper regulatory oversight. Indeed it is a criminal offence to provide legal services as a barrister if your name is not on the Roll. It is in everyone's interests that every barrister's entry on the Roll is accurate and up to date. Finally, I would like to once again express my sincere gratitude to the dedicated complaints team of the LSRA for their hard work in considering, resolving and determining complaints. I am also grateful for the hard work and commitment of the members of the independent Complaints Committee and Review Committee who play a vital role in the LSRA's complaints function.

**Dr Brian J. Doherty**  
**April 2024**

Dr Brian J. Doherty



# 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 ninth such report, and it reports on the period from 2 September 2023 to 1 March 2024.

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 as well as a series of case studies based on anonymised complaints. 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 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 complaint can the LSRA deal with?

Under Part 6 of the Act, the LSRA can receive and investigate three types or grounds of complaint:

- **that the legal services provided were of an inadequate standard;**
- **that the amount of costs sought by a legal practitioner for legal services was excessive;**
- **that an act or omission of a legal practitioner constitutes 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. Only a client – or a person acting on behalf of a client – can bring a complaint to the LSRA where the client considers that the legal services provided were

of an inadequate standard or that the amount of costs sought were excessive (overcharging). When it comes to alleged misconduct by a legal practitioner, any person can make a complaint to the LSRA.

## New Complaints Recording

This report reflects two important changes in the way that individual complaints are now recorded and classified. Firstly, since the beginning of 2023, the LSRA has recorded each individual complaint as relating to either one, two or all three of the statutory complaints grounds where appropriate. It replaces the previous system whereby an individual complaint was recorded under only the primary ground presented in the complaint.

The aim of the new more sophisticated recording method is to better reflect the complexity of complaints that the LSRA receives, which often do not fit neatly into a single statutory ground. In reality, a single complaint may contain a number of different grounds. For example, in a complaint that is primarily about inadequate legal services the complainant may also consider that they have been overcharged. Similarly, in a complaint of alleged misconduct, the complainant may also consider that the legal services they received were inadequate. These are called mixed complaints.

A second change introduced in 2023 and also captured in this report relates to how 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.

There are a total of 37 available categories. Services and costs complaints are recorded by areas of law, 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, such as for example fraud or dishonesty or failure to communicate.

Until now, an individual complaint was recorded as relating to one category only. For example, a complaint of inadequate legal services was classified only under family law, even if it also involved a component of probate. Likewise a complaint alleging misconduct was classified only under dishonesty even if it also included a failure to communicate component. In all complaints, only the primary component was categorised and recorded.

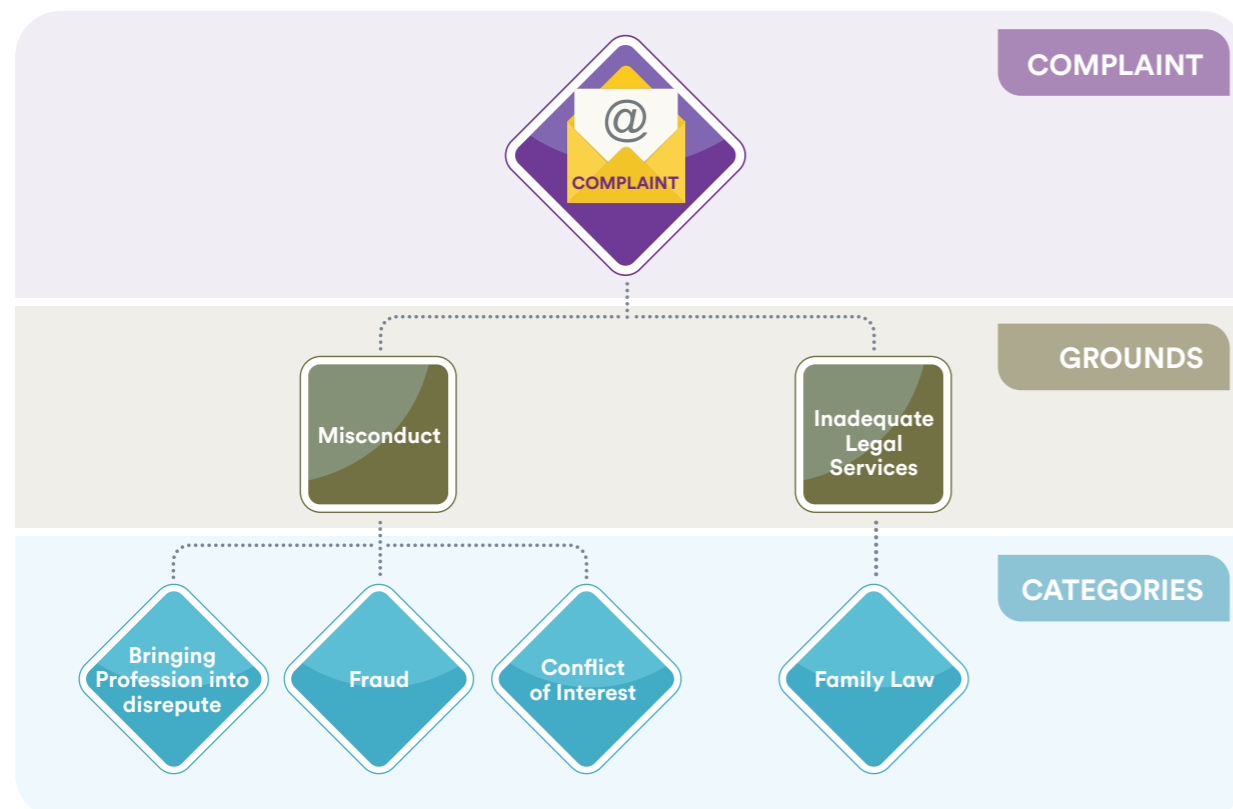
Under the new recording system, a complaint is now classified into one or more categories as appropriate. This reflects the reality that a single complaint frequently contains one or more issues or areas of law.

This change also better shows the complexity of the complaints received by the LSRA.

The number of complaints we report on remains the same, but we are now able to report on the different components contained within those complaints and provide better data and analysis of the issues and the areas of law to which they relate.

Combined, these two changes give a more accurate sense of the work involved in considering and investigating complaints by both the LSRA's Complaints and Resolutions Officers and its two regulatory committees. The LSRA will continue to improve and refine the data that it collects and reports in fulfilment of its statutory objectives.

## How a mixed complaint can be recorded and classified



## 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.

## Failure by barristers to update details on the Roll may be misconduct

Important new obligations have been introduced for all barristers in relation to the Roll of Practising Barristers, which is maintained by the LSRA. The changes were introduced to better ensure the accuracy of the Roll and the details of barristers who are entitled to provide legal services in the State. A barrister who fails to contact the LSRA to ensure that their details on the Roll are up to date may now face a potential misconduct issue.

The Roll of Practising Barristers is used by members of the public to check whether they are dealing with a barrister who is entitled to provide legal services. A barrister's practising status on the Roll (as a Law Library member or not, or as being in the full-time service of the State) is relevant for the levy calculation process. It also impacts on a barrister's liability to pay the annual levy. For these reasons, it is important that the details of all barristers listed on the Roll are accurate and up-to-date.

The changes introduced by the Courts and Civil Law (Miscellaneous Provisions) Act 2023 mean that barristers on the Roll are required to update the LSRA within 30 days with any change to their:

- name;
- whether they are in the full-time service of the State; and
- whether or not they are a member of the Law Library.

Barristers on the Roll are also now required to update the LSRA with any change to their postal or email address for correspondence within 30 days.

The new section 135(5l) of the Act provides that a practising barrister's failure to comply with the new obligations may constitute misconduct under section 50(1)(m) of the Act, which provides that an act or omission may be considered as misconduct where it 'consists of a breach of this Act or regulations made under it'.

Further details of the changes, and the full text of the 2023 Act, are available on the LSRA website. A form for barristers who wish to update their details on the Roll and a voluntary removal form, for barristers who no longer wish to provide legal services, are available to download from the website.

## How to make a complaint

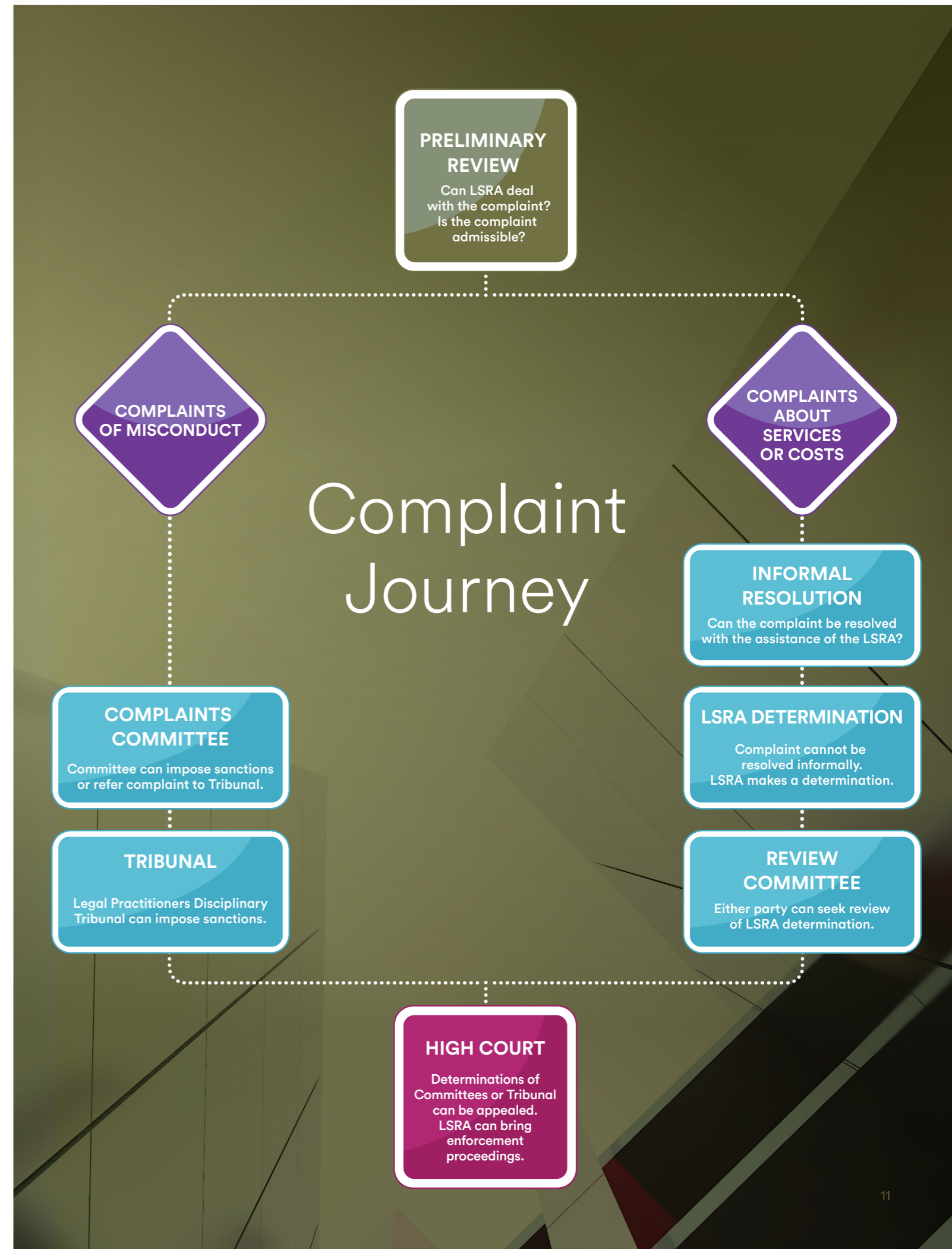
Complaints must be made to the LSRA in writing and they can be submitted by post or email. A complaint form is available on the LSRA website for download, along with information guides for the assistance of both consumers and legal practitioners. Complainants are encouraged to use the complaint form 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, a consumer guide to the LSRA's complaints service is available in Citizens Information Offices and libraries. Consumer leaflets and videos are also available on the LSRA's website and YouTube channel.

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 for people with Disabilities.

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



# 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 costs 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.

## Determination of misconduct complaints

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

The Committee is made up of 27 members. These are comprised of not fewer than eight members nominated by the Law Society; not fewer than four members nominated by the Bar of Ireland (formerly the Bar Council); and the balance made up of lay members appointed following a competitive selection process.

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 ask the complainant or legal practitioner to supply 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 can refer more serious matters on to the Legal Practitioners Disciplinary Tribunal (LPDT) for an inquiry, 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.**

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 its 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 when it refers a complaint to the LPDT for an inquiry.

## 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’s 33 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.

LPDT inquiries are generally held in public, with oral evidence. 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 June 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. Starting in 2024, the LSRA will arrange for the publication of LPDT determinations. For complaints about solicitors, the LSRA will also arrange for the LPDT findings to be 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.

## Enforcement in the High Court

When a legal practitioner fails to comply with a direction or determination of the LSRA or an order of the LPDT, the LSRA can apply to the High Court for an order directing compliance with the direction, determination or order.

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 an order under section 90 of the Act, the LSRA will also seek to obtain the costs incurred in taking the action from the legal practitioner concerned.

# Number and Nature of Complaints Received

During the reporting period from 2 September 2023 to 1 March 2024, the LSRA received a total of 1,403 phone calls and e-mails requesting information and/or complaint forms. In addition, a total of 845 files were opened initially as queries. Following assessment, a total of 637 were then categorised as complaints. This is a decrease of 2.5% in the total number of complaints received in this reporting period compared with the previous one, when 655 complaints were received. Of the 637 complaints, a total of 607 related to solicitors and 30 related to barristers.

As outlined above, the LSRA has enhanced the recording of individual complaints as relating to one, two or all three of the Act's grounds where appropriate. This report now includes a full breakdown of grounds across all of the 637 complaints received in the period. This breakdown shows that a total of 521 complaints contained only one statutory ground, while a further 116 were mixed complaints combining more than one of the three grounds.

The largest category of complaints received related to alleged misconduct. In this period, 382 complaints received (60%) were about alleged misconduct only. However misconduct was also a ground for complaint in a further 97 complaints, bringing the total to three quarters of all complaints received. A total of 128 complaints (20%) were about inadequate standards of legal services only. However inadequate services were also a ground for complaint in a further 106 complaints. Likewise, 11 complaints (2%) were about excessive costs only, with excessive costs grounds also raised in 48 other complaints.

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

# Complaints Outcomes

## Informal Resolution

In a total of 134 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 29 complaints there was no response to the invitation by either the complainant or the legal practitioner.
- In 32 complaints the legal practitioner did not take up the invitation to take part in the Informal Resolution process.
- In 25 complaints the complainant did not take up the invitation to take part in the Informal Resolution process.
- A total of 18 complaints were resolved by the parties with the assistance of the LSRA's trained mediators.
- In 30 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 in the Informal Resolution process proceed to be investigated and determined by the LSRA.

## LSRA Complaints staff

LSRA staff made determinations in 82 complaints about inadequate legal services or costs in this reporting period, directing legal practitioners to pay a total of €45,111 in compensation to their clients. Of these:

- 54 were upheld
- 28 were not upheld

A further 19 complaints were resolved or could not proceed. Of these:

- Seven were resolved
- Seven were withdrawn
- Five were discontinued for a range of reasons

## Review Committee

The Review Committee met six times in the reporting period to consider LSRA determinations in 40 complaints of inadequate legal services or excessive costs where reviews were requested.

The Review Committee's determinations were as follows:

- It confirmed the LSRA's determinations in a total of 33 complaints. In three of these, the committee increased the amount of compensation awarded to the complainant. In a further two, the committee decreased the amounts of compensation awarded to the complainants.
- It set aside LSRA determinations upholding two complaints.
- It sent back two complaints to the LSRA to be dealt with again.
- In two complaints, it overturned the LSRA's decision not to uphold the complaint. In one complaint, the committee directed the legal practitioner to pay €2,000 compensation to the client. In the other complaint, the committee directed the legal practitioner to refund €13,556.96 to the client and waive the right to recover any further costs.
- In one mixed complaint about both services and costs, it confirmed the LSRA's determination on the services ground and overturned the LSRA's determination not to uphold the costs ground. The committee directed the legal practitioner to refund a total of €45,700 to the client.

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

## Complaints Committee

The Complaints Committee met 19 times in the reporting period. It considered 164 complaints of alleged misconduct and closed a total of 90. A further 46 complaints were closed prior to consideration by the Complaints Committee. The outcomes were as follows:

- Seven complaints were referred by the committee to the Legal Practitioners Disciplinary Tribunal (LPDT) for further investigation.
- 16 complaints were upheld, with the committee issuing directions to the legal practitioners. These included directions to pay a total of €6,000 in compensation to complainants and to pay €10,000 in costs to the LSRA.
- 45 complaints were not upheld.
- 13 complaints were resolved by the parties.
- Nine complaints were either withdrawn by the complainant or the investigation was discontinued for a range of reasons.
- Of the 46 complaints closed prior to consideration by the Complaints Committee, 28 were resolved by the parties and 18 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 section of this report.

## Enforcement Activities

During the reporting period, the LSRA issued instructions to its external legal representatives to commence enforcement proceedings against legal practitioners under section 90 of the Act. In summary:

- A total of 15 pre-action letters were issued to legal practitioners seeking their compliance with LSRA directions or determinations within a set time period, failing which High Court proceedings would issue.
- Three section 90 enforcement proceedings were issued seeking orders from the High Court directing compliance by legal practitioners with LSRA directions and determinations.
- Six section 90 enforcement proceedings against legal practitioners came before the High Court. Of these, four matters concluded within the reporting period, with the LSRA obtaining an order for costs in two matters. In all of four matters, the legal practitioners complied with the LSRA's directions/determinations.

Separately, during the reporting period, an LSRA application came before the High Court seeking leave to issue an order of attachment or committal of a legal practitioner for failure to comply with an earlier enforcement order under section 90 of the Act. Following the compliance of the legal practitioner, this matter was struck out with no order. The LSRA reached an agreement with the legal practitioner in relation to costs.

## Complaints Closed

A total of 796 complaints were closed in this reporting period. Of these, just over half (414 complaints, 52%) were closed because they were deemed to be inadmissible following a statutory assessment. A total of 131 complaints (16%) 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 (18 of these were resolved in this reporting period and one was resolved in the previous reporting period). Of the rest:

- 69 complaints were upheld.
- 72 complaints were not upheld.
- 45 complaints were withdrawn.
- Seven complaints of alleged misconduct were referred to the LPDT by the Complaints Committee.
- 67 complaints were closed for other reasons including that the complaint was deferred.

The complaints closed total comes to 805 because there can be more than one outcome in some complaints, including mixed complaints which contain more than one of the statutory grounds. 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

# Details of LSRA Determinations

Either party to a complaint can seek a review of an LSRA determination within 30 days (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 details of determinations made by the LSRA where the 30 day review period has passed within the reporting period.

## LSRA determinations in current reporting period

The LSRA made determinations in 82 complaints in this reporting period, directing legal practitioners to pay a total of €45,111 in compensation to their clients.

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 costs of €6,494.40.
- A complaint where the LSRA determined the legal costs charged were excessive. The legal practitioner was directed to refund €2,000 to the client.

- A complaint where the LSRA determined the legal services provided were inadequate. The legal practitioner was directed to waive their costs to the client and pay €3,000 as 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 €200 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 pay €1,500 as compensation to the client and waive the right to recover €1,000.
- 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 pay €750 in compensation to the clients and to refund them €1,897.60.
- A complaint where the LSRA determined the legal services provided were inadequate. The legal practitioner was directed to transfer all documents to another legal practitioner and discharge all costs of the solicitor nominated by the client to complete any outstanding work.

## LSRA complaints staff determinations in previous reporting period

The LSRA can now report on its determinations in 37 complaints 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, complaints upheld by the LSRA included:

- A complaint where the LSRA determined that the legal services provided were inadequate. The legal practitioner was directed to transfer the client files and to 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 to waive all costs 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 to return to the client €1,845 in respect of fees paid and pay €250 in compensation to the client.
- A complaint where the LSRA determined the legal services provided were inadequate; the legal practitioner was directed to transfer the file and waive any right to charge for the work done to date.

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.

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.

# Themes Emerging from Complaints

In this report the LSRA highlights the following issues:

## LSRA seeks leave to issue court orders for attachment or committal against legal practitioners for non-compliance

In previous reports the LSRA has repeatedly emphasised that where LSRA Complaints and Resolutions Officers, the Review Committee or the Complaints Committee issue determinations or directions that are not complied with by legal practitioners, the LSRA will enforce these by taking High Court proceedings. The LSRA has also stated that it will seek an order for the costs of such proceedings, to be adjudicated if not agreed. The LSRA is further concerned that, in a limited number of complaints, orders obtained in the High Court are still not being complied with by a small number of legal practitioners.

This results in the LSRA having to bring the matter back before the court for further enforcement. Where this has arisen the LSRA has re-entered proceedings and, to date, the LSRA has had to make three applications seeking leave to issue orders for attachment or committal where legal practitioners have failed to abide by orders of the High Court.

The LSRA is firmly of the view that legal practitioners should avail of all possible opportunities to comply with the LSRA's determinations and directions and avoid the need for applications to the High Court for enforcement or ultimately for leave to issue orders for attachment or committal.

## Failure to handover files and documents risks reputation of legal profession

The LSRA frequently receives complaints where a solicitor has failed, without good reason, to transfer a client's file, title deeds or other documents to either the client or another solicitor nominated by them, when asked to do so. Such complaints can be brought either by the client or a new solicitor on behalf of the client. There might be good reasons why a client file or documents cannot be transferred, including where the solicitor is exercising a lien on the file. However, in the majority of the complaints made to the LSRA that does not prove to be the case.

The Law Society's Solicitor's Guide to Professional Conduct 4th Edition deals with this issue in two short sentences as follows:

*"Once the fees and outlay of a solicitor have been paid, the file belongs to the client" and*

*"A courteous request for files and a prompt response is essential for a smooth handover of files between solicitors".*

In 2023 failure to hand over accounted for more than 11% of all the misconduct complaints received, the third highest misconduct category.

In many complaints, clients and their new solicitors may consider that they have no alternative but to bring a complaint to the LSRA, as their letters and calls have been ignored over a considerable period of time. People are usually anxious to move on with their lives, and the fact that they are unable to obtain a document such as a will or deeds can be frustrating. Solicitors who ignore requests for documents for clients or colleagues risk harming the wider reputation of the profession.

## Early informal resolution of complaints often the best way forward

The informal resolution of consumer complaints about costs and services lies at the heart of the LSRA complaints process. Once a complaint of this nature is determined to be admissible, both parties are invited to attempt to informally resolve the issues in the complaint. To assist them, the LSRA has a team of fully trained and accredited mediators who are members of the Mediators' Institute of Ireland. The services of the LSRA's mediators are made available to both parties free of charge.

Although the LSRA has seen steady growth in the numbers of complainants and legal practitioners accepting invitations to take part in the informal resolution process, the rate of engagement could be much higher. It costs nothing to try and resolve matters at the heart of complaints and parties can withdraw from the process at any time if an agreement cannot be reached. The complaint will then proceed to be investigated and determined by the LSRA.

Informal resolution is confidential. This means that anything said in the mediation process cannot feature in any subsequent investigation of the complaint (in the event that the mediation is unsuccessful).

Mediations are conducted in a practical and diplomatic manner. They can often be concluded quickly if both parties engage appropriately. The mediator contacts each party separately by phone at a time that suits them to explain the process, listen to their perspectives and support them to develop options for resolving the complaint. It has been the LSRA's experience that this two way communication can lead to a better understanding of the other parties' position which can often be the key to resolving a complaint.

# 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 and client agree to reduced costs for legal services in mediated resolution of probate complaint

#### **Type of Complaint:** *Excessive costs and inadequate legal services*

The solicitor was engaged by the complainant in a probate matter. The complainant was of the opinion that they had been overcharged for the services provided, with which they were dissatisfied. The complainant didn't pay the solicitor's costs, disengaged the solicitor and completed the work without legal assistance.

#### **Outcome:** *Complaint resolved informally*

The solicitor and the complainant were invited by the LSRA to try to resolve the complaint through the LSRA's informal resolution process. An LSRA trained mediator spoke by telephone with both parties to establish if there was any possibility of compromise. The solicitor outlined the work they had undertaken which led to the costs they had sought. The solicitor however agreed to a reduced payment in order to settle the matter. The complainant was prepared to pay the new amount having taken into account the work the solicitor had done, which ultimately assisted in completing the probate process. The complaint was therefore closed as it was resolved between the parties.

#### **Lessons for the Public:**

It pays to be prepared to engage with the LSRA and the legal practitioner to try to informally resolve issues at the heart of your complaint. Informal resolution offers a confidential, fast and convenient way of resolving complaints about services and costs. 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 you have been billed for legal services and can also help you to appreciate the amount of work done by the legal practitioner.

#### **Lessons for Practitioners:**

Engaging in the informal resolution process can often result in a reduction in the time you need to spend engaging with the LSRA. There is no requirement for written submissions or responses, and talking matters through with a trained mediator can help find a practical resolution to the issue.

## CASE STUDY 2

## Complaint investigation delayed following unsuccessful informal resolution

### Type of Complaint: *Inadequate legal services*

A complaint was made that the services provided by a solicitor were inadequate. The complainant and the solicitor engaged in the LSRA's confidential informal resolution process. However, the parties were unable to resolve their complaint and the matter was referred back to an LSRA Complaints and Resolutions Officer for investigation and determination. As part of its investigation the LSRA requested statements from both parties. In their statement to the LSRA, one of the parties made reference to statements made by the other party during the informal resolution process.

### Outcome: *Complaint investigation delayed*

As the informal resolutions process is confidential the Complaints and Resolution Officer investigating the complaint had to stop dealing with the complaint and pass the matter on to a colleague who had not read the statement. A new statement had to be requested from the party that did not make reference to what had been said during the informal resolution process.

### Lessons for the Public:

The LSRA's informal resolution process is confidential. This means that neither you or the legal practitioner can raise matters discussed or proposed during mediation during any subsequent investigation. It also means that the outcome of a complaint which has been informally resolved cannot be communicated to anyone other than those participating in the attempt to resolve the complaint.

### Lessons for Practitioners:

When you accept an offer to try to informally resolve a complaint, it is not considered by the LSRA that you are accepting that the complaint would be upheld if it proceeded to investigation. The confidentiality of the process exists to allow both parties a safe space in which to find a compromise or solution to the issues raised.

## CASE STUDY 3

## Mixed complaint with two separate outcomes

### Type of Complaint: *Inadequate legal services and misconduct*

The solicitor was instructed by the complainant in relation to a dispute over a business lease. The complainant stated that there had been delays in the delivery of the legal services and the communication from the solicitor was poor. In addition, the complainant stated that the solicitor had refused to hand over his case file to his new solicitor. The LSRA treated the complaint as a mixed complaint with two separate grounds of inadequate legal services and misconduct. The inadequate legal services aspect of the complaint was referred for informal resolution. The complaint of alleged misconduct, for the solicitor failing to hand over the client file, was referred to the Complaints Committee.

### Outcome 1: *Services complaint upheld and legal practitioner directed to compensate client*

The inadequate legal services aspect of the complaint did not progress in informal resolution. It was therefore investigated and the complaint was upheld, with the legal practitioner directed to pay the client compensation.

### Outcome 2: *Misconduct complaint not upheld*

During the Complaints Committee's investigation into the alleged misconduct aspect of the complaint, the complainant confirmed to the committee that the solicitor had by that stage handed over his case file as requested. As the solicitor had complied with the client's request, the misconduct aspect of the complaint was not upheld.

### Lessons for the Public:

If your complaint is a mixed one, it will take two separate parallel routes through the LSRA's complaints process. Services and costs complaints that cannot be resolved by the parties in the LSRA's informal resolution process proceed to be investigated and determined by a Complaints and Resolutions Officer. The Complaints Committee investigates complaints of alleged misconduct. This means that the complaint may have two outcomes, which may be delivered at different times.

### Lessons for Practitioners:

As a mixed complaint takes two separate parallel routes through the complaints process you will have to engage with two processes. For example, you may consent to attempt to resolve the aspect of the complaint about inadequate legal services, whilst at the same time making a written submission to the Complaints Committee in relation to the misconduct complaint.

# Statistical Breakdown of Complaints

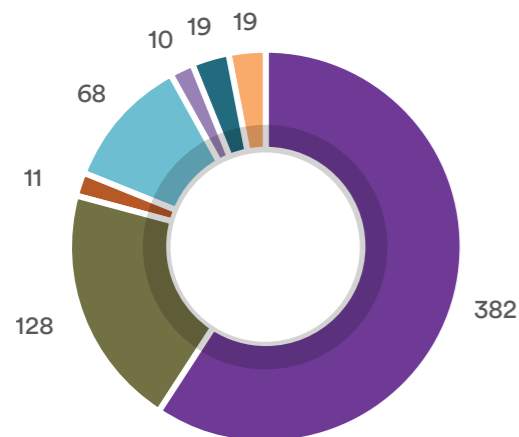
## Complaints Received

From 2 September 2023 to 1 March 2024

### All Grounds for Complaints

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. As stated above, the recording of complaints has been enhanced to reflect the reality that a single complaint may include several different components across a total of 37 available categories.

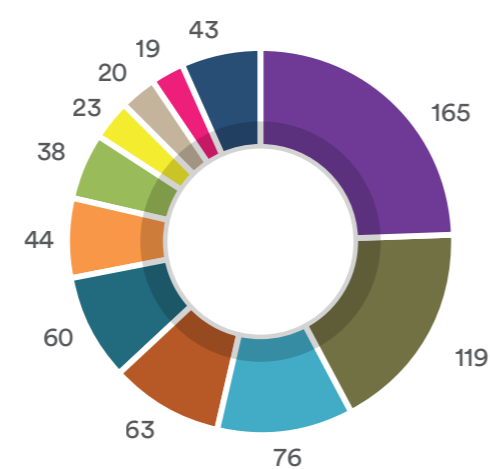
The 637 individual complaints received in the period contained a total of 968 components across the available 37 categories.



● Misconduct only	<b>382</b>	<b>(60.0%)</b>
● Inadequate legal services only	<b>128</b>	<b>(20.1%)</b>
● Excessive costs only	<b>11</b>	<b>(1.7%)</b>
● Misconduct and inadequate legal services	<b>68</b>	<b>(10.7%)</b>
● Misconduct and excessive costs	<b>10</b>	<b>(1.6%)</b>
● Inadequate legal services and excessive costs	<b>19</b>	<b>(3.0%)</b>
● Misconduct, inadequate legal services and excessive costs	<b>19</b>	<b>(3.0%)</b>
<b>TOTAL</b>	<b>637</b>	

### Misconduct

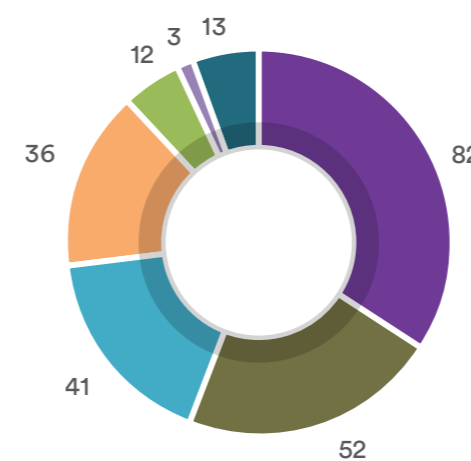
A total of 670 components of misconduct were recorded across all complaints received in the period. These were classified under a range of available categories based on the alleged acts or omissions of the legal practitioners. Of these, 165 (25%) related to conduct likely to bring the profession into disrepute, and 119 (18%) involved a failure to communicate. A further 76 (11%) involved alleged fraud or dishonesty, 63 (9%) related to a failure to handover a file or other deeds and documents, 60 (9%) related to a delay and 44 (7%) related to an alleged failure to account for clients' money.



● Bringing profession into disrepute	<b>165</b>	<b>(24.6%)</b>
● Failure to communicate	<b>119</b>	<b>(17.8%)</b>
● Fraud or dishonesty	<b>76</b>	<b>(11.3%)</b>
● Failure to hand over	<b>63</b>	<b>(9.4%)</b>
● Delay	<b>60</b>	<b>(9.0%)</b>
● Failure to account	<b>44</b>	<b>(6.6%)</b>
● Substantial inadequate services	<b>38</b>	<b>(5.7%)</b>
● Undertaking	<b>23</b>	<b>(3.4%)</b>
● Conflict of Interest	<b>20</b>	<b>(3.0%)</b>
● Counsel's fees	<b>19</b>	<b>(2.8%)</b>
● Other misconduct	<b>43</b>	<b>(6.4%)</b>
<b>TOTAL</b>	<b>670</b>	

### Inadequate Legal Services

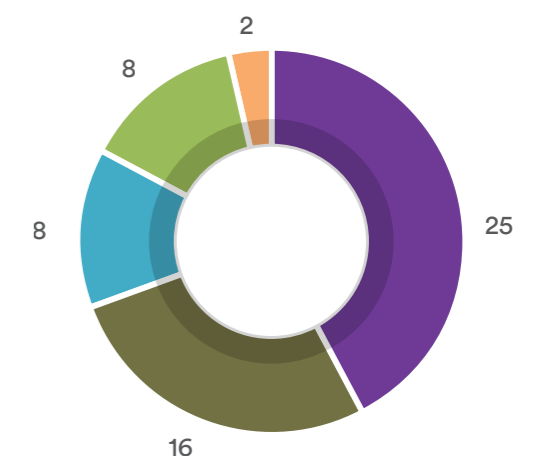
A total of 239 components of inadequate legal services were recorded across all complaints received in the period. These were classified under a range of categories based on the area of law that the complaint relates to. Of these, 82 (34%) related to litigation, 52 (22%) related to conveyancing, with 41 (17%) related to family law, and 36 (15%) related to probate and the administration of estates.



● Litigation	<b>82</b>	<b>(34.3%)</b>
● Conveyancing	<b>52</b>	<b>(21.8%)</b>
● Family	<b>41</b>	<b>(17.2%)</b>
● Probate	<b>36</b>	<b>(15.1%)</b>
● Crime	<b>12</b>	<b>(5.0%)</b>
● Employment	<b>3</b>	<b>(1.3%)</b>
● Other	<b>13</b>	<b>(5.4%)</b>
<b>TOTAL</b>	<b>239</b>	

### Excessive Costs

A total of 59 components of excessive costs were recorded across all complaints received in the period. These were classified under a range of categories based on the area of law that the complaint relates to. Of these, 25 (42%) related to litigation, with 16 (27%) related to family law, 8 (14%) related to conveyancing, and 8 (14%) related to probate and the administration of estates.



● Litigation	<b>25</b>	<b>(42.4%)</b>
● Family	<b>16</b>	<b>(27.1%)</b>
● Conveyancing	<b>8</b>	<b>(13.6%)</b>
● Probate	<b>8</b>	<b>(13.6%)</b>
● Other	<b>2</b>	<b>(3.4%)</b>
<b>TOTAL</b>	<b>59</b>	



# Complaints Completion Statistics

Complaints Closed from 2 September 2023 to 1 March 2024

**TABLE 1: Complaints Closed**

Inadmissible	414	51.4%
Resolved with assistance of LSRA	131	16.3%
Not Upheld	72	8.9%
Upheld	69	8.6%
Withdrawn	45	5.6%
Referred to the LPDT	7	0.9%
Other	67	8.3%
<b>TOTAL COMPLAINTS CLOSED</b>	<b>805*</b>	

\* The 805 outcomes relate to a total of 796 closed complaints. Seven complaints were on mixed grounds and therefore had multiple outcomes. There were also two misconduct complaints which, while they were informally resolved, had to be also considered by the Complaints Committee.

**TABLE 2: Complaints Determined by LSRA Complaints Staff\***

No.	Date of LSRA Determination	Nature of Complaint	Outcome
1	09/01/2023	Inadequate legal services in an employment law and personal injury matter	Not upheld
2	16/01/2023	Inadequate legal services in a family law matter	Not upheld
3	26/01/2023	Inadequate legal services in a property registration matter	Not upheld
4	02/03/2023	Inadequate legal services and excessive costs in a probate matter	Services complaint upheld – practitioner directed to pay client €2,000 as compensation. Costs complaint not upheld
5	24/03/2023	Inadequate legal services in a criminal law matter	Not upheld
6	27/03/2023	Inadequate legal services in a criminal law matter	Not upheld
7	21/04/2023	Inadequate legal services in High Court proceedings and passport / citizenship matters	Not upheld
8	08/05/2023	Inadequate legal services in a conveyance matter	Upheld – practitioner directed to pay €3,000 as compensation
9	08/05/2023	Inadequate legal services and excessive costs in a court case	Not upheld
10	10/05/2023	Inadequate legal services in a family law and criminal matter	Not upheld
11	11/05/2023	Inadequate legal services in a litigation matter	Not upheld

**TABLE 2: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	Outcome
12	11/05/2023	Excessive costs in judicial review proceedings	Upheld – practitioner directed to refund €1,115
13	18/05/2023	Inadequate legal services in a site purchase matter	Upheld – practitioner directed to transfer any documents with the file to be returned on the conclusion of the proceedings so that the practitioner may prepare the bill of costs for the work done and pay €3,000 as compensation
14	26/05/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to transfer the files and pay €3,000 as compensation
15	26/05/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to pay €1,000 as compensation
16	15/06/2023	Inadequate legal services in the administration of an estate	Upheld – practitioner directed to pay €500 as compensation
17	20/06/2023	Inadequate legal services in a litigation matter	Not upheld
18	22/06/2023	Inadequate legal services in relation to various cases involving the client's former business partners	Not upheld
19	26/06/2023	Excessive costs in an employment law matter	Not upheld
20	27/06/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to pay €3,000 as compensation
21	27/06/2023	Inadequate legal services in relation to litigation advice	Not upheld

**TABLE 2: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	Outcome
22	03/07/2023	Inadequate legal services in a dispute over a lease	Upheld – practitioner directed to transfer the file and pay €1,000 as compensation
23	05/07/2023	Inadequate legal services and excessive costs in a work dismissal case	Not upheld
24	06/07/2023	Excessive costs in a litigation matter	Not upheld
25	06/07/2023	Inadequate legal services and excessive costs in a medical fee matter	Not upheld
26	06/07/2023	Excessive costs in a family law matter	Upheld – practitioner directed to refund €1,000 and waive the right to recover the outstanding balance
27	06/07/2023	Inadequate legal services in a transfer of land matter	Upheld – practitioner directed to transfer the file and waive any right to professional fees
28	07/07/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to provide duplicate documents to replace those missing
29	12/07/2023	Excessive costs in a business sale matter	Not upheld
30	14/07/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to transfer the file and pay €2,500 as compensation
31	14/07/2023	Inadequate legal services in a property matter	Upheld – practitioner directed to secure the completion of the First Registration of the property by a solicitor nominated by the client at the expense of the practitioner

**TABLE 2: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	Outcome
32	10/08/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to pay €2,500 as compensation
33	11/08/2023	Inadequate legal services in a probate matter	Upheld – practitioner directed to waive any fees and pay €3,000 as compensation
34	17/08/2023	Inadequate legal services in a personal injury matter	Upheld – practitioner directed to transfer any documents to another legal practitioner
35	17/08/2023	Inadequate legal services in a claim for damages matter	Upheld – practitioner directed to waive costs and no fees to be charged
36	24/08/2023	Inadequate legal services in an employment law matter	Upheld - no direction
37	01/09/2023	Inadequate legal services in the drawing up of an Enduring Power of Attorney	Upheld – practitioner directed to return €1,845 in respect of fees paid and pay €250 in compensation
38	04/09/2023	Inadequate legal services in a divorce case	Not upheld
39	07/09/2023	Inadequate legal services in a defamation proceedings matter	Upheld – practitioner directed to pay €3,000 as compensation
40	08/09/2023	Inadequate legal services in an insurance claim matter	Not upheld
41	12/09/2023	Inadequate legal services in a property sale and purchase matter	Not upheld
42	13/09/2023	Inadequate legal services in an employment law matter	Upheld – practitioner directed to transfer any documents relating to the subject matter of the complaint and no costs to be sought

**TABLE 2: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	Outcome
43	13/09/2023	Inadequate legal services in a transfer of property matter	Upheld – practitioner directed to transfer any documents relating to the subject matter of the complaint and refund any money paid
44	13/09/2023	Excessive costs in a shareholder dispute	Upheld – practitioner directed to refund €12,300
45	14/09/2023	Inadequate legal services in a property purchase matter	Not upheld
46	19/09/2023	Inadequate legal services in a property purchase matter	Not upheld
47	20/09/2023	Inadequate legal services in a personal injury matter	Upheld – practitioner directed to pay €1,500 as compensation
48	28/09/2023	Excessive costs in a family law matter	Not upheld
49	28/09/2023	Inadequate legal services in a litigation matter	Upheld – practitioner directed to waive the professional fee and pay €3,000 as compensation
50	02/10/2023	Inadequate legal services and excessive costs in an employment law matter	Upheld – practitioner directed to pay €1,500 as compensation and waive the right to recover €1,000 from the bill
51	04/10/2023	Inadequate legal services in a commercial case	Not upheld
52	05/10/2023	Inadequate legal services in a family law matter	Upheld - practitioner directed to pay €1,000 as compensation to the client

**TABLE 2: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	Outcome
53	09/10/2023	Inadequate legal services in the execution of an estate	Upheld – practitioner directed to waive all professional fees, transfer any documents relating to the subject matter of the complaint and pay €1,000 as compensation
54	10/10/2023	Inadequate legal services in relation to preparation for a trial	Not upheld
55	11/10/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to pay €500 as compensation
56	11/10/2023	Inadequate legal services and excessive costs in family law proceedings	Upheld – practitioner directed to pay €150 as compensation and refund €100 of the initial consultation fee
57	13/10/2023	Inadequate legal services in the execution of an estate	Not upheld
58	13/10/2023	Inadequate legal services and excessive costs in a property purchase matter	Upheld – practitioner directed to pay €1,685.50 as compensation and refund €600 of the costs
59	13/10/2023	Inadequate legal services in relation to High Court proceedings	Upheld – practitioner directed to transfer the file
60	19/10/2023	Inadequate legal services and excessive costs in a family law matter	Not upheld
61	20/10/2023	Inadequate legal services in a property sale matter	Not upheld
62	23/10/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to complete first registration of the properties at own expense and pay €750 as compensation

**TABLE 2: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	Outcome
63	24/10/2023	Excessive costs in a family law matter	Upheld – practitioner directed to waive the right to recover €6,494.40
64	25/10/2023	Inadequate legal services in relation to a settlement offer	Not upheld
65	26/10/2023	Inadequate legal services in registering a mortgage with the Land Registry	Upheld – practitioner directed to transfer any documents to another practitioner and pay the costs incurred in completing the registration
66	27/10/2023	Inadequate legal services in a litigation matter	Not upheld
67	27/10/2023	Inadequate legal services in a family law matter	Upheld – practitioner directed to transfer the file to another practitioner and pay €1,000 as compensation
68	01/11/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to waive scrivener fee of €184.50, transfer any documents and pay €3,000 as compensation
69	03/11/2023	Inadequate legal services in a personal injury matter	Not upheld
70	09/11/2023	Inadequate legal services in the administration of an estate	Upheld – practitioner directed to pay €2,500 as compensation
71	09/11/2023	Inadequate legal services in a family law matter	Upheld - practitioner directed to furnish the client with the final bill of costs, transfer the file to another practitioner and pay €2,500 as compensation

**TABLE 2: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	Outcome
72	13/11/2023	Inadequate legal services in a land purchase matter	Upheld – practitioner directed to transfer any documents to another practitioner and pay €3,000 as compensation
73	14/11/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to pay €350 as compensation
74	20/11/2023	Inadequate legal services and excessive costs in a family law matter	Upheld – practitioner directed to pay €750 as compensation and refund the professional fee of €1,897.60
75	21/11/2023	Inadequate legal services in a probate matter	Upheld – practitioner directed to pay €750 as compensation
76	30/11/2023	Inadequate legal services and excessive costs in relation to a mortgage and neighbour disruption	Services complaint upheld – practitioner directed to pay €200 as compensation. Costs complaint not upheld
77	07/12/2023	Inadequate legal services in a property purchase matter	Not upheld
78	11/12/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to transfer all documents to another practitioner and discharge the costs of completion of the registration of the property
79	14/12/2023	Excessive costs in injunctive proceedings	Upheld – practitioner directed to refund €2,000
80	14/12/2023	Inadequate legal services in a personal injury matter	Not upheld

**TABLE 2: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	Outcome
81	08/01/2024	Inadequate legal services in the administration of an estate	Upheld – practitioner directed to pay €1,500 as compensation
82	09/01/2024	Inadequate legal services in the registration of a property	Upheld – practitioner directed to transfer all documents to another practitioner and discharge all costs of the solicitor nominated by the client to complete any outstanding work
83	25/01/2024	Inadequate legal services and excessive costs in a sale of properties matter	Not upheld
84	25/01/2024	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to complete the registration and pay €1,000 in compensation

\* This table comprises determinations made in 37 complaints from a previous reporting period and 47 complaints from the current reporting period.

**TABLE 3: Review Committee Outcomes**

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
1	09/01/2023	Inadequate legal services in an employment law and personal injury matter	Not upheld	19/10/2023	Confirmed LSRA determination s62(5)(a)
2	16/01/2023	Inadequate legal services in a family law matter	Not upheld	01/11/2023	Confirmed LSRA determination s62(5)(a)
3	26/01/2023	Inadequate legal services in a property registration matter	Not upheld	01/11/2023	Did not confirm LSRA determination. Practitioner directed to pay €2,000 compensation
4	02/03/2023	Inadequate legal services and excessive costs in a probate matter	Services complaint upheld – practitioner directed to pay client €2,000 as compensation. Costs complaint not upheld	01/11/2023	Confirmed LSRA determination in relation to services. Did not confirm LSRA determination on excessive costs. Practitioner directed to refund fees of €45,700
5	24/03/2023	Inadequate legal services in a criminal law matter	Not upheld	01/11/2023	Confirmed LSRA determination s62(5)(a)
6	27/03/2023	Inadequate legal services in a criminal law matter	Not upheld	19/10/2023	Confirmed LSRA determination s62(5)(a)
7	21/04/2023	Inadequate legal services in High Court proceedings and passport / citizenship matters	Not upheld	01/11/2023	Confirmed LSRA determination s62(5)(a)

**TABLE 3: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
8	08/05/2023	Inadequate legal services in a conveyance matter	Upheld – practitioner directed to pay €3,000 as compensation	01/11/2023	Remitted the complaint to the LSRA to be dealt with again s62(5)(b)
9	08/05/2023	Inadequate legal services and excessive costs in a court case	Not upheld	01/11/2023	Confirmed LSRA determinations s62(5)(a)
10	10/05/2023	Inadequate legal services in a family law and criminal matter	Not upheld	20/11/2023	Confirmed LSRA determination s62(5)(a)
11	11/05/2023	Excessive costs in judicial review proceedings	Upheld – practitioner directed to refund €1,115	01/11/2023	Did not confirm LSRA determination
12	12/05/2023	Inadequate legal services in a litigation matter	Not upheld	19/10/2023	Confirmed LSRA determination s62(5)(a)

**TABLE 3: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
13	18/05/2023	Inadequate legal services in a site purchase matter	Upheld – practitioner directed to transfer any documents with the file to be returned on the conclusion of the proceedings so that the practitioner may prepare the bill of costs for the work done and pay €3,000 as compensation	19/10/2023	Confirmed LSRA determination s62(5)(a)
14	26/05/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to pay €1,000 as compensation	19/10/2023	Confirmed LSRA determination s62(5)(a)
15	15/06/2023	Inadequate legal services in the administration of an estate	Upheld – practitioner directed to pay €500 as compensation	19/10/2023	Did not confirm LSRA determination
16	20/06/2023	Inadequate legal services in a litigation matter	Not upheld	19/10/2023	Confirmed LSRA determination s62(5)(a)

**TABLE 3: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
17	22/06/2023	Inadequate legal services in relation to various cases involving the client's former business partners	Not upheld	20/11/2023	Confirmed LSRA determination s62(5)(a)
18	26/06/2023	Excessive costs in an employment law matter	Not upheld	20/11/2023	Confirmed LSRA determination s62(5)(a)
19	27/06/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to pay €3,000 as compensation	20/11/2023	Confirmed LSRA determination s62(5)(a)
20	27/06/2023	Inadequate legal services in relation to litigation advice	Not upheld	19/10/2023	Confirmed LSRA determination s62(5)(a)
21	05/07/2023	Inadequate legal services and excessive costs in a work dismissal case	Not upheld	20/11/2023	Confirmed LSRA determinations s62(5)(a)
22	06/07/2023	Excessive costs in a litigation matter	Not upheld	20/11/2023	Confirmed LSRA determination s62(5)(a)
23	06/07/2023	Inadequate legal services and excessive costs in a medical fee matter	Not upheld	20/11/2023	Confirmed LSRA determinations s62(5)(a)

**TABLE 3: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
24	06/07/2023	Excessive costs in a family law matter	Upheld – practitioner directed to refund €1,000 and waive the right to recover the outstanding balance	19/10/2023	Remitted the complaint to the LSRA to be dealt with again s62(5)(b)
25	07/07/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to provide duplicate documents to replace those missing	05/12/2023	Confirmed LSRA determination s62(5)(a), added compensation of €1,500 to be paid to the client
26	12/07/2023	Excessive costs in a business sale matter	Not upheld	13/02/2024	Did not confirm LSRA determination. Practitioner directed to refund fees of €13,556.96 and waive the right to recover costs over and above €14,527.50
27	14/07/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to transfer the file and pay €2,500 as compensation	05/12/2023	Confirmed LSRA determination s62(5)(a), reduced compensation to €2,000
28	10/08/2023	Inadequate legal services in a property purchase matter	Upheld – practitioner directed to pay €2,500 as compensation	13/02/2024	Confirmed LSRA determination s62(5)(a), reduced compensation to €2,000

**TABLE 3: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
29	17/08/2023	Inadequate legal services in a claim for damages matter	Upheld – practitioner directed to waive costs and no fees to be charged	20/11/2023	Confirmed LSRA determination s62(5)(a)
30	24/08/2023	Inadequate legal services in an employment law matter	Upheld - no direction	05/12/2023	Confirmed LSRA determination s62(5)(a), practitioner directed to pay €2,800 as compensation and to transfer the file at own cost
31	07/09/2023	Inadequate legal services in a defamation proceedings matter	Upheld – practitioner directed to pay €3,000 as compensation	05/12/2023	Confirmed LSRA determination s62(5)(a)
32	14/09/2023	Inadequate legal services in a property purchase matter	Not upheld	05/12/2023	Confirmed LSRA determination s62(5)(a)
33	20/09/2023	Inadequate legal services in a personal injury matter	Upheld – practitioner directed to pay €1,500 as compensation	05/12/2023	Confirmed LSRA determination s62(5)(a)
34	28/09/2023	Excessive costs in a family law matter	Not upheld	05/12/2023	Confirmed LSRA determination s62(5)(a)



**TABLE 3: (Continued)**

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
35	02/10/2023	Inadequate legal services and excessive costs in an employment law matter	Upheld – practitioner directed to pay €1,500 as compensation and waive the right to recover €1,000 from the bill	13/02/2024	Confirmed LSRA determinations s62(5)(a), practitioner directed to pay a further €500 compensation
36	10/10/2023	Inadequate legal services in relation to preparation for a trial	Not upheld	15/02/2024	Confirmed LSRA determination s62(5)(a)
37	13/10/2023	Inadequate legal services in relation to High Court proceedings	Upheld – practitioner directed to transfer the file	13/02/2024	Confirmed LSRA determination s62(5)(a)
38	19/10/2023	Inadequate legal services and excessive costs in a family law matter	Not upheld	05/12/2023	Confirmed LSRA determinations s62(5)(a)
39	24/10/2023	Excessive costs in a family law matter	Upheld – practitioner directed to waive the right to recover €6,494.40	13/02/2024	Confirmed LSRA determination s62(5)(a)
40	03/11/2023	Inadequate legal services in a personal injury matter	Not upheld	15/02/2024	Confirmed LSRA determination s62(5)(a)

**TABLE 4: Complaints Committee Outcomes**

Complaints Committee Outcomes	
Referred to LPDT	7
Upheld	16
Not Upheld	45
Resolved	13
Withdrawn	7
Other Outcome	2
Closed prior to Complaints Committee Consideration	46
<b>TOTAL</b>	<b>136</b>

**TABLE 5: Complaints Committee Directions and Referrals**

No.	Date of Committee Meeting	Nature of Complaint	Outcome
1	31/08/2023	Failure to comply with an undertaking in the context of a conveyancing matter	Referred to the LPDT
2	06/09/2023	Failure to communicate arising from a litigation case	Upheld – no direction
3	06/09/2023	Failure to complete the work in an insurance claim	Upheld – practitioner directed to waive all fees and hand over the file to the new solicitor
4	14/09/2023	Failure to hand over title deeds	Upheld – practitioner directed to transfer the title deeds and pay to the LSRA €2,500 towards costs
5	14/09/2023	Contacting the complainant's client without consent	Upheld – practitioner directed to desist all contact with the complainant's client and pay to the LSRA €2,500 towards costs
6	14/09/2023	Delays and a failure to complete the work in a property purchase	Upheld – practitioner directed to refund all fees paid and pay the €1,587.40 fees of the solicitor who completed the work
7	14/09/2023	Failure to hand over the client file	Upheld – practitioner directed to transfer the file and pay to the LSRA €2,500 towards costs
8	20/09/2023	Failure to return documents provided in the context of an immigration application	Upheld – practitioner directed to refund fees of €500
9	20/09/2023	Failure to account to clients for monies received in relation to a property purchase	Referred to the LPDT

**TABLE 5: (Continued)**

No.	Date of Committee Meeting	Nature of Complaint	Outcome
10	20/09/2023	Failure to account to the client in respect of the balance of sale proceeds of a property	Referred to the LPDT
11	18/10/2023	Failure to provide costs information in a family law case	Upheld – practitioner directed to pay to the LSRA €500 towards costs
12	18/10/2023	Failure to provide costs information in relation to the administration of an estate	Upheld – practitioner directed to pay to the LSRA €500 towards costs
13	25/10/2023	Failure to pay counsel's fees	Upheld – practitioner directed to pay to the LSRA €500 towards costs
14	01/11/2023	Failure to communicate with the client or hand over the client's file in a family law matter which is before the Courts	Referred to the LPDT
15	23/11/2023	Ignoring communications, untruths in relation to property registrations	Upheld – practitioner directed to pay €1,000 as compensation and pay to the LSRA €500 towards costs
16	29/11/2023	Filing a defence purporting to be on the complainant's behalf in circumstances where there was no instructions to do so and misrepresentations to the court.	Upheld – no direction
17	29/11/2023	Failure to comply with undertaking	Upheld – practitioner directed to comply with the undertaking
18	07/12/2023	Failure to communicate in an estate matter	Referred to the LPDT
19	07/12/2023	Failure to return a borrowed file	Referred to the LPDT

**TABLE 5: (Continued)**

No.	Date of Committee Meeting	Nature of Complaint	Determination
20	07/12/2023	Failure to hand over the title deeds to a number of properties	Referred to the LPDT
21	13/12/2023	Delays in the execution of an estate	Upheld – no direction
22	13/12/2023	Substantial inadequate legal services in relation to a mortgage	Upheld – practitioner directed to pay €5,000 as compensation and pay to the LSRA €500 towards costs
23	22/12/2023	Failure to provide costs information in relation to a conveyance matter	Upheld – practitioner directed to refund fees of €650

## Glossary

### *Explanation of terms used in this report*

#### **Attachment or Committal**

Attachment or committal are orders designed to compel compliance with a court order.

Attachment is an order to have a person brought before the court to explain their failure to comply with an earlier order. Committal is an order to arrest a person and commit them to prison.

#### **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 a 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.

#### **Failure to hand over**

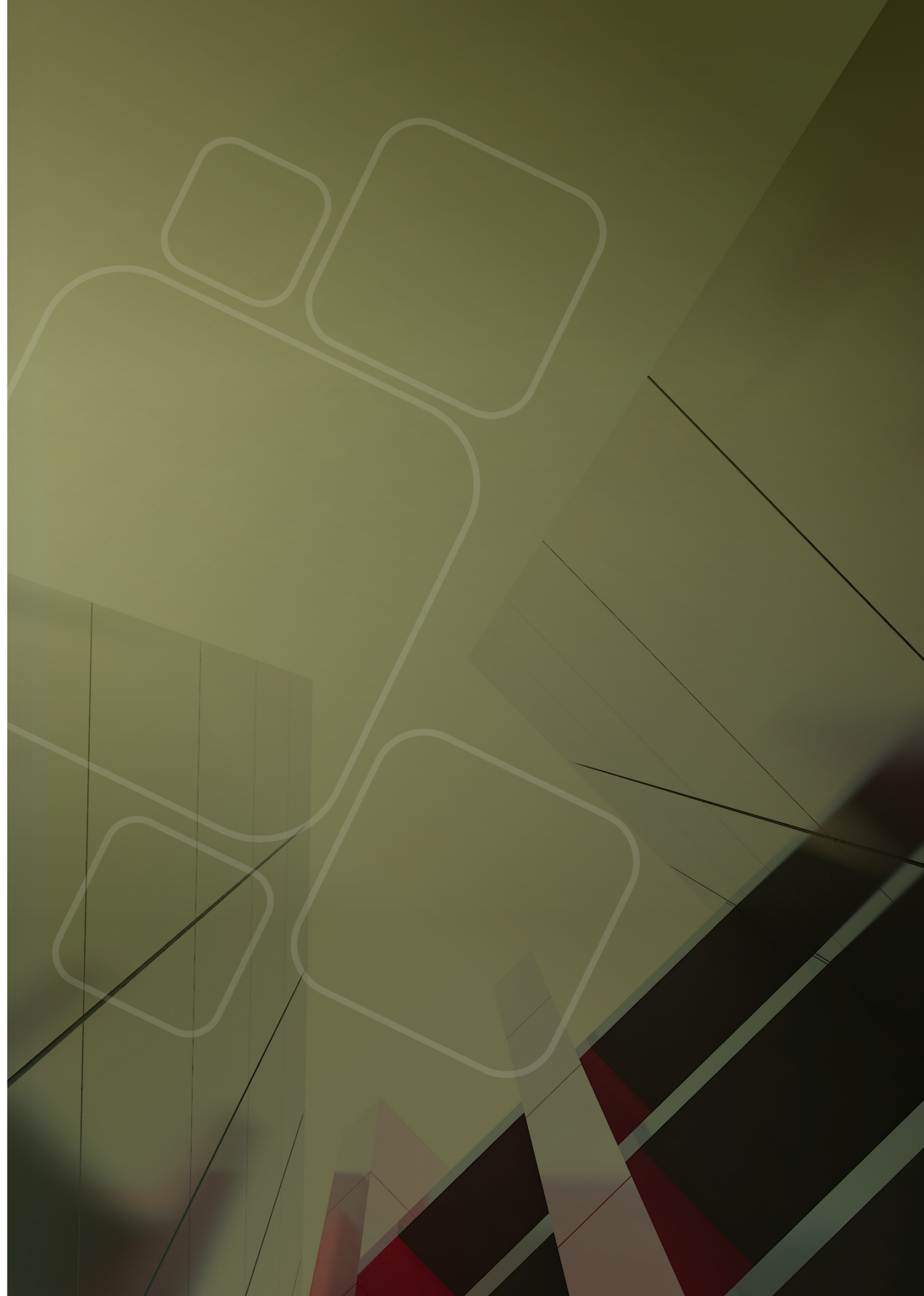
A failure to hand over files, title deeds etc. when required.

#### **Failure to account**

An omission by a legal practitioner to provide proper or complete accounts of monies held and received.

#### **Failure to pay counsel's fees**

A solicitor either not paying a barrister (counsel) their fees (where the client has paid the solicitor) or not using their best endeavours to recover fees owed to a barrister by their client.





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