

LSRA Guide for Consumers: What to expect when you make a complaint



An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority

The Legal Services Regulatory Authority investigates complaints about solicitors and barristers (legal practitioners). We deal with complaints independently and our service is free. This leaflet tells you what happens when we get your complaint. It explains what we do and what you can expect from us.

Our commitment to you

We will:

- deal with your complaint in an impartial way (we do not take sides);
- explain our processes to you;
- treat you with respect and courtesy;
- help you to resolve your complaint in an informal way where we can;
- contact you if we need additional information from you or when we have an update on your complaint.



It can take between six to 18 months for us to deal with complaints. Some complaints require a lot of investigation and can take longer.

Complaints that we deal with

The types of complaints we can and cannot investigate and what we can and cannot do about them, are set out in the Legal Services Regulation Act 2015. We can investigate complaints about:

- the quality of the legal services you received (inadequate services),
- the legal costs you were charged (excessive costs), and
- conduct or behaviour (misconduct).

How we handle your complaint – a four step guide

Step 1 – We assess your complaint to see if we can take it forward

When we receive your written complaint, we first do a preliminary review. This means we check that your complaint:

- is about something that we can investigate;
- has enough detail for us to start working on it; and
- has been made to us within the right time frame.

Your file reference number

At this point, we send you a file reference number. Please keep this safe and use it whenever you contact us so that we can find your complaint file easily. We may contact you by email or post to ask you for more information or copies of documents. Please reply to us as soon as you can so that we can process your complaint as quickly as possible.

Sharing your complaint

We are required by law to send a copy of your written complaint form, and any supporting documents, to the solicitor (or law firm) or barrister you are complaining about. We invite them to respond to us in writing about your complaint. For complaints about solicitors, we also share your complaint with the Law Society of Ireland, which represents solicitors.

Early resolution

Sometimes complaints can be resolved at this very early stage. Once the solicitor or barrister learns about the problem from us, they may be willing to work with you to rectify the issue.

Deciding if we can take your complaint forward

Once we have all the information we need from both you and the solicitor or barrister, we decide whether we can take your complaint forward.

- If we **can** take your complaint forward, this means that it is admissible (something that we can investigate). We will write to you and explain the next steps. We will also let the solicitor or barrister know.
- If we **cannot** take your complaint forward, this means that it is inadmissible (something that we cannot investigate). We will write to you and explain our decision. We will also let the solicitor or barrister know. Our decision at this stage is final and cannot be appealed.



It generally takes us six months to decide whether or not we can take your complaint forward. Some complaints can take longer.

Step 2 – We try to help you resolve your complaint

For complaints about legal services or costs, we usually invite you and the solicitor or barrister to try to resolve the issue in an informal way. We have trained professionals (called mediators) who can help. Our mediators will contact you by phone. They will talk to you about the problem and ask you how you would like it to be resolved. They will also talk to the solicitor or barrister to see how they think the issue could be resolved. While we are trying to help resolve your complaint, we ask that both you and the solicitor or barrister stay open to compromise.

We encourage you to work with us to help you to resolve your complaint informally because it is usually the fastest and easiest way to put things right. However, you do not have to accept an offer of informal resolution, and neither does the solicitor or barrister.

Outcomes you can expect if your complaint is resolved informally

If your complaint is resolved in an informal way, then the outcome will be agreed by you and the solicitor or barrister. Every complaint is different and can have different outcomes. In some complaints, the solicitor or barrister might agree to take certain steps to rectify the issue. For example, they may:

- return legal files or documents to you;
- correct errors in the legal service provided to you; or
- refund some or all of your legal costs.



Not all complaints can be resolved through informal resolution, if this is the case with your complaint it will be sent for investigation by the LSRA.

Step 3 – We investigate your complaint

If your complaint cannot be resolved in an informal way, or if your complaint is about misconduct, we will carry out an investigation. When we carry out an investigation, it is a search to gather evidence and get to the facts of the matter – it does not automatically mean that your complaint will be upheld.

- If your complaint is about legal services or costs, it will be investigated by a Complaints and Resolutions Officer.
- If your complaint is about the conduct or behaviour (misconduct), it will be investigated by the Complaints Committee.

What to expect during our investigation of your complaint

As part of our investigation, we may write to you and ask you for more information, including copies of documents. We may also ask the solicitor or barrister for more information, including to respond to issues you have raised.

We carefully consider all the information from you and the solicitor or barrister you have made the complaint against. We do this because we want to make sure the facts of the complaint are accurate and we have enough evidence to make a decision

If the Complaints Committee is investigating your complaint, you may be invited to attend an online meeting to assist the Committee as it gathers information. Throughout the investigation, we will keep you informed about what is happening with your complaint.



Investigations can take 12 to 18 months. If your complaint is complicated, it can take longer.

Step 4 – We make a decision about your complaint

At the end of the investigation, we make a decision about your complaint. We will inform you and the solicitor or barrister of our decision in writing. Your complaint can be:

- upheld in full or part;
- not upheld, or
- referred to a separate tribunal for an inquiry.

Depending on the decision on your complaint, there are a range of possible outcomes within our powers, which we set out below.

Your complaint is upheld in full or part

If your complaint is upheld in full or upheld in part, we can sanction the solicitor or barrister and direct them to take certain actions to rectify the issue. For example, we can direct the solicitor or barrister to:

- transfer your legal files to a solicitor of your choice;
- correct the legal work or pay for the legal work to be completed;
- refund or reduce your legal bill;
- undergo further professional training; or
- pay compensation to you.



The maximum compensation amount we can direct to be paid to you is €3,000 for complaints about services or costs and €5,000 for complaints about misconduct.

Your complaint is not upheld

If your complaint is not upheld, we will inform you.

- If your complaint is about legal services or costs and you believe our decision on your complaint was wrong or unfair, you can request a review by our Review Committee. The solicitor or barrister may also request a review.
- If your complaint is about conduct or behaviour (misconduct), you cannot ask for a review of a decision by the Complaints Committee.



For complaints about legal services or costs, we generally make a decision within 12 months. The decision time for misconduct complaints is up to 18 months.

Your complaint is referred to a separate tribunal for an inquiry

If your complaint is about conduct or behaviour (misconduct), the Complaints Committee may refer it to the Legal Practitioners Disciplinary Tribunal for an inquiry. The Disciplinary Tribunal is a separate organisation to the LSRA. It can make a finding of misconduct against a solicitor or barrister.

The Tribunal has the power to sanction a solicitor or barrister and also to order them to take certain actions. It can also recommend that the solicitor barrister be sanctioned by the High Court.

Reviewing our decision - further information

If you believe our decision on your complaint is wrong or unfair, depending on the type of complaint, you can ask for the decision to be reviewed.

For further information please read our leaflet 'Your right to review our decision'.

How to contact the LSRA

Post: Complaints & Resolutions Unit,
 Legal Services Regulatory Authority,
 PO Box 12906, Dublin 7

Phone: 01 859 2911 (*see website for opening hours*)

Email: complaints@lsra.ie

Website: www.lsra.ie

Accessible Services: If you have a disability and need help to use our services, contact us to arrange to speak to our access officer.



Our Complaints Process

STEP 1: We assess your complaint

We check to see if your complaint is something we can examine. If we can deal with your complaint, we decide how to take it forward. We generally complete our assessment of your complaint within six months. Sometimes we are able to resolve and close complaints at this stage.



STEP 2: We try to resolve your complaint informally

For complaints about legal services or costs, we usually first try to help you and the solicitor or barrister to resolve the issue in an informal way. We have trained mediators who can help. Not all complaints can be resolved informally.



STEP 3: We investigate your complaint

We carefully consider all of the information from you and from the solicitor or barrister. We may ask you and the solicitor or barrister for more information.



STEP 4: We make a decision about your complaint

We decide whether your complaint is upheld fully, upheld in part, or not upheld. Some complaints about behaviour or conduct may be referred to a separate organisation, the Legal Practitioners Disciplinary Tribunal.

