

How does the new complaints regime differ from the one operated by the Law Society?

The main difference under the new complaints regime is that complaints made against solicitors will be the sole responsibility of the Authority. The Legal Services Regulation Act 2015 (“the Act”) requires the Authority to conduct a preliminary review of each complaint received. The preliminary review is used to determine whether a complaint is admissible or not. Complaints will be deemed inadmissible if they are frivolous, vexatious, out of time or without substance or foundation. If the complaint concerns an act or omission that is the subject of civil or criminal proceedings the Authority may defer considering the complaint until the proceedings are finally determined.

What happens if a client tries to re-open a complaint that already has been determined?

The Act requires the Authority to determine a complaint as inadmissible where it was previously determined under the Solicitors Acts 1954 to 2015 by the Society, the Solicitors Disciplinary Tribunal or the High Court. The Act also prevents the Authority from considering a matter that is the same or substantially the same as an act or omission that was the subject of civil or criminal proceedings which has been finally determined by a court in favour of the solicitor concerned.

Will the Authority manage complaints in the same way as the Law Society?

Where a complaint has been deemed admissible by the Authority, the Act requires the Authority to invite the client and solicitor to make efforts to resolve the matter in an informal manner. This will only apply to complaints concerning services of an inadequate standard and where an amount of costs charged by the solicitor is alleged to be excessive. In the event of either or both parties refusing to accept this method of resolution or the attempt to resolve is unsuccessful, the Authority will enter into a more formal written procedure and decide the complaint. The solicitor and the complainant can request a review of the Authority’s decision by a Review Committee.

If the solicitor agrees to resolve the complaint by informal means does this mean the solicitor is accepting liability for the complaint?

No. The Act specifically states any agreement to an informal resolution by the solicitor will not be treated as an admission of any allegation made against that solicitor. In the event the informal process does not provide a resolution, the Authority will continue the written process between the parties as if the informal resolution process never took place.

The Authority’s Complaints Committee?

The Complaints Committee will consider and investigate conduct complaints. It will consist of no more than 27 members, 8 who are nominated by the Society, 4 who are nominated by the Bar Council of Ireland with the remaining majority who shall be lay persons. The Complaints Committee shall act in divisions of not less than 3 members and not more than 5 members with a lay majority on each Divisional Committee. The chairperson of each Divisional Committee shall be a lay member. If the Divisional Committee is considering a matter in respect of a solicitor, at least one member shall be a solicitor.

Who will sit on the Legal Practitioners Disciplinary Tribunal?

The Legal Practitioners Disciplinary Tribunal (“the Tribunal”) will consist of no more than 33 members, 6 who are nominated by the Society, 6 nominated by the Bar Council of Ireland with the remaining majority who shall be lay persons. The Tribunal will act in divisions of an uneven number of members with no fewer than 3 members to consider any particular matter. The chairperson of each division of the Tribunal shall be a lay member. If the Tribunal is considering a matter in respect of a solicitor, at least one member shall be a solicitor.