

- Call the OLSC inquiry line for advice and assistance before you send in a complaint:
(02) 9377 1800 (Sydney)
1800 242 958 (freecall outside Sydney).

We can help you organise an interpreter or you can contact us through the telephone Interpreter Service on 131 450.

- We can usually only accept complaints about conduct that occurred in the last three years. If you want to complain about something that happened more than three years ago you will have to give reasons for the delay and explain why the misconduct of the lawyer is so serious it needs to be examined now.
- The complaint-handling process is confidential.
- You may withdraw your complaint at any time.
- There is no charge for making a complaint to the OLSC.
- The OLSC is impartial. We can only make decisions according to the evidence provided.
- Practitioners cannot charge people or take legal action against them for making a complaint to the OLSC.
- The OLSC receives approximately 3,000 written complaints each year. Of the complaints we handle, about 75% are finalised within six months. There are many reasons for delays, for example:
 - sometimes we have to wait for people to respond to our letters or phone calls.
 - sometimes we have to seek further information from both sides.

Investigations take longer than consumer disputes. The process is quicker and easier if you provide full details of all aspects of your complaint at the beginning.

If you want to make a formal written complaint about a legal practitioner, please use an OLSC complaint form. You can get one by phoning the telephone inquiry line on **(02) 9377 1800** (Sydney) or **1800 242 958** (freecall outside Sydney).

You must provide with your complaint:

- the name of the individual practitioner you want to complain about (not just the firm)
- a description of each complaint you are making
- information about when the conduct you are complaining about occurred — with dates if possible
- **copies** of all relevant documents or other evidence to support your complaint. (Please do not send original documents.)

Contacting the OLSC

Level 9
75 Castlereagh Street, SYDNEY NSW 2000

The building has disability access.

Post: GPO Box 4460, Sydney NSW 2001
Telephone: (02) 9377 1800
Toll free: 1800 242 958
Fax: (02) 9377 1888
TTY: (02) 9377 1855

Email: olsc@agd.nsw.gov.au
Website: www.lawlink.nsw.gov.au/olsc

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Complaints about the Legal Profession

The Office of the Legal Services Commissioner (OLSC) receives all complaints about solicitors and barristers in NSW.

The OLSC co-ordinates a co-regulatory system with the Law Society of NSW (solicitors) and the NSW Bar Association (barristers) to resolve disputes and investigate complaints about professional conduct.



The OLSC was set up in 1994 as an independent body to deal with complaints about legal practitioners — solicitors and barristers. We handle issues in four ways:

- by answering telephone inquiries
- by resolving consumer disputes
- by investigating alleged misconduct
- by reviewing decisions made by our co regulatory partners.

We can take disciplinary action against legal practitioners and help resolve problems between practitioners and other members of the community. **We cannot investigate or change court findings, handle complaints against judges, or provide legal advice or representation.**

Telephone inquiries

If you are having trouble using legal services you should first contact the OLSC inquiry line for advice about whether we can handle your complaint and how to use our services. (See contact details on back page.)

Staff on the inquiry line can help you try to solve your problem with your legal practitioner yourself. For example, staff can:

- clarify the points in dispute
- explain your rights
- help you consider your options
- refer you to other appropriate services.

In some cases staff might be able to contact the practitioner on an informal basis and try to resolve the problem without you making a formal complaint.

To make a formal complaint about a practitioner you must send details to the OLSC in writing.

Senior staff will assess your complaint and allocate it to a complaint handler. The person handling your complaint will keep you informed as the case progresses.

Consumer disputes

Disputes between legal practitioners and people who use legal services can involve anything from poor communication to disagreements about costs, the handling of documents, mistakes, delays or other problems related to poor service. Consumer disputes do not involve misconduct, as defined by the *Legal Profession Act 2004*.

Most consumer disputes involving legal practitioners are handled by OLSC staff. We refer some disputes to the Law Society or the Bar Association. The person handling the dispute will usually first send a copy of your complaint to the practitioner and ask for information, then try to resolve the dispute through conciliation or mediation.

The mediation of consumer disputes can involve a series of letters or phone calls or, in some cases, formal face-to-face mediation. The outcomes can include a reduction in a bill, an apology or explanation, or work performed by the practitioner at no charge to fix a mistake.

The Commissioner can require both parties to participate in mediation. However, the outcome cannot be guaranteed. We cannot order compensation unless there has been a finding of unsatisfactory professional conduct.

If a consumer dispute cannot be resolved it has to be dismissed. If it appears to involve misconduct it will be investigated.

Investigations

If a complaint includes evidence that a legal practitioner might have breached the rules of professional conduct, the conduct is investigated. Some investigations are referred to the Law Society or the Bar Association. Some are handled by OLSC staff.

Following an investigation, some complaints are resolved and some result in a caution or formal reprimand on the practitioner's record.

A small minority of complaints are referred to the Administrative Decisions Tribunal for more serious disciplinary action against the practitioner. Such referrals will only occur if there is a reasonable likelihood that the Tribunal will find the practitioner guilty of either unsatisfactory professional conduct or professional misconduct, as defined by the *Legal Profession Act 2004*.

The Tribunal can order the practitioner to pay compensation of up to \$25,000 — but only if you cannot get compensation any other way, for example through a civil action in the court for negligence.

If the complaint cannot be resolved and there is not enough evidence for disciplinary action, the complaint has to be dismissed.

Reviews

If the Law Society or the Bar Association has investigated and dismissed your complaint you can apply to the OLSC for a review of the investigation.

You have to apply for a review in writing, within two months of the date you were notified about the outcome of the original investigation.