



An tÚdarás Rialála
Seirbhíse Dlí
Legal Services
Regulatory Authority

Independent Complaints Handling

Complaints about
solicitors and barristers



5
YEARS

Report 2 - 2024

From 2 March 2024
to 6 September 2024

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Foreword by the Chief Executive Officer

I am very pleased to introduce this report into the operation of the LSRA's independent complaints handling function for the period from 2 March 2024 to 6 September 2024. This is our second bi-annual complaints report of 2024 and the tenth report we have published since the LSRA took over the receipt and investigation of complaints about solicitors and barristers on 7 October 2019.

On 7 October 2024, the LSRA marked five years of our independent complaints handling. We acknowledge this important milestone by documenting in this report some of the major themes and lessons for both consumers and legal practitioners that have emerged during this time.

Let me start with some figures. In our first five years of operation, the LSRA received a total of 7,091 complaints. Within this period, we closed 5,724 of the complaints received. Almost one in four of all complaints closed – a total of 1,335 complaints – were resolved between the parties with the assistance of the LSRA. This is a very welcome trend. The successful early resolution of complaints is something we have repeatedly championed.

Early and positive engagement by legal practitioners in the complaints process often means that not only can complaints be resolved informally, but in some cases the relationship with the client can also be restored. Of course informal resolution is not an appropriate way of handling every complaint – particularly complaints of misconduct at the serious end of the spectrum. However, for consumer complaints about poor services or overcharging, it is very often a much more satisfactory and speedy outcome that means both parties to the complaint do not have to go through the investigative process with their complaint being determined by the LSRA and either upheld with a sanction or not upheld. Legal practitioners and complainants alike who adopt a flexible and positive approach to complaints resolution both stand to benefit.

Poor communication between legal practitioners and their clients has been a consistent theme across all complaints received by the LSRA in the past five years. Legal practitioners sometimes fail to communicate to their clients the risks involved in bringing or defending legal proceedings, the time that proceedings might take and the costs that might be incurred. We have also seen complaints brought by legal practitioners against colleagues for failure to respond to correspondence in a timely fashion or at all.

It is true that legal practitioners are often required to communicate relatively complex messages and in difficult circumstances. This is a core element of their job and it is clear that too often the task of communicating with clients is not being given the appropriate care and attention that is required. It is evident that a large number of complaints coming to the LSRA in the past five years would not have been made if the legal practitioners involved had taken a few simple steps to ensure that their communications with their clients or colleagues were timely and appropriate.

This report also reflects the enforcement actions taken by the LSRA due to the failure of legal practitioners to comply with the directions and determinations made following the investigation of a complaint. These have increasingly been a feature of our work since the first High Court proceedings were taken by the LSRA in 2022. Since then, we have repeatedly reinforced the message that we will not hesitate to bring High Court proceedings against any legal practitioner who seeks to delay or frustrate the complaints process and who fails to comply with a direction or determination made by the LSRA or one of its committees. It is of significant concern that the LSRA has to date been forced to apply to the High Court and been granted a total of 19 enforcement orders under section 90 of the Legal Services Regulation Act 2015. Such actions should be unnecessary and the failure of legal practitioners to comply with the directions of their regulator only creates unnecessary work,

serves to slow down the complaints process and creates additional and unnecessary costs which are ultimately passed on to all legal practitioners through the LSRA's annual levy on the legal professions. The LSRA once again urges all legal practitioners to be mindful of their professional responsibility to engage with the complaints process and to comply with any determinations and directions made.

We invite legal practitioners and consumers alike to reflect on the lessons to be learned from the first five years of the LSRA's complaints handling function and the five themes and cases studies outlined in this report.

For our part, we continuously review and seek to improve our processes and the availability and quality of information for complainants and legal practitioners. Improving the experiences of both legal practitioners and consumers who engage in our complaints process, including the quality and timeliness of the service we deliver, remains a key focus for us.

Finally, it would be remiss of me not to express my sincere and continued gratitude to the dedicated complaints team of the LSRA for their resolution and hard work in delivering the complaints function. This report reflects just a fraction of the huge amount of work that they do. I am also grateful for the commitment and dedication of the members of the independent Complaints Committee and Review Committee who play a vital role in the LSRA's complaints process.

Dr Brian J. Doherty
October 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 tenth such report, and it reports on the period from 2 March 2024 to 6 September 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 are:

- **protecting and promoting the public interest;**
- **supporting the proper and effective administration of justice;**
- **protecting and promoting the interests of consumers relating to the provision of legal services;**
- **promoting competition in the provision of legal services in the State;**
- **encouraging an independent, strong and effective legal profession; and**
- **promoting and maintaining adherence to the professional principles of legal practitioners.**

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 in the reporting period. It documents the outcomes of complaints considered by the Complaints Committee and the Review Committee and also contains case studies based on anonymised complaints. We hope that 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 the 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 function, complaints in respect of barristers were not governed by statute. The Bar of Ireland, through the Barristers Professional Conduct Tribunal, was responsible for complaints that related to its members.

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.

How the LSRA records and classify complaints

In 2023, the LSRA introduced changes to how individual complaints are recorded and classified. The LSRA now records each individual complaint as relating to either one, two or all three of the statutory complaints grounds where appropriate. This replaces the previous system whereby an individual complaint was recorded under only the primary ground presented in the complaint.

The aim of the 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 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.

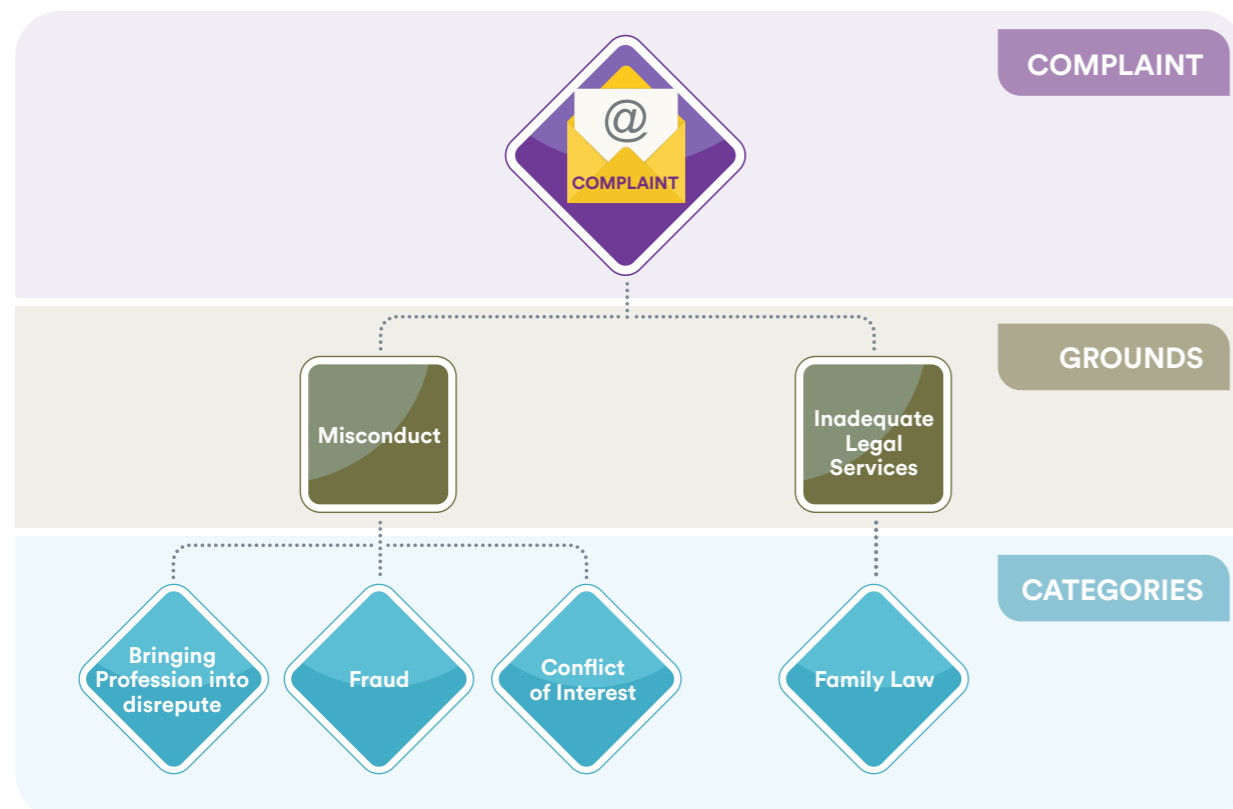
Previously, an individual complaint was recorded as relating to one category only. For example, a complaint of inadequate legal services was classified only under family law, even if it also involved a component of probate. Likewise a complaint alleging misconduct was classified only under dishonesty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

Since the start of 2023, a complaint is 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 able to report on the different components contained within those complaints and provide better data and analysis of the issues contained within complaints and the areas of law to which they relate.

Combined, these two changes give an 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 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 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 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 where they believe there is evidence of misconduct on the part of a legal practitioner. There is no statutory time limit for complaints relating to alleged misconduct.

How to make a complaint

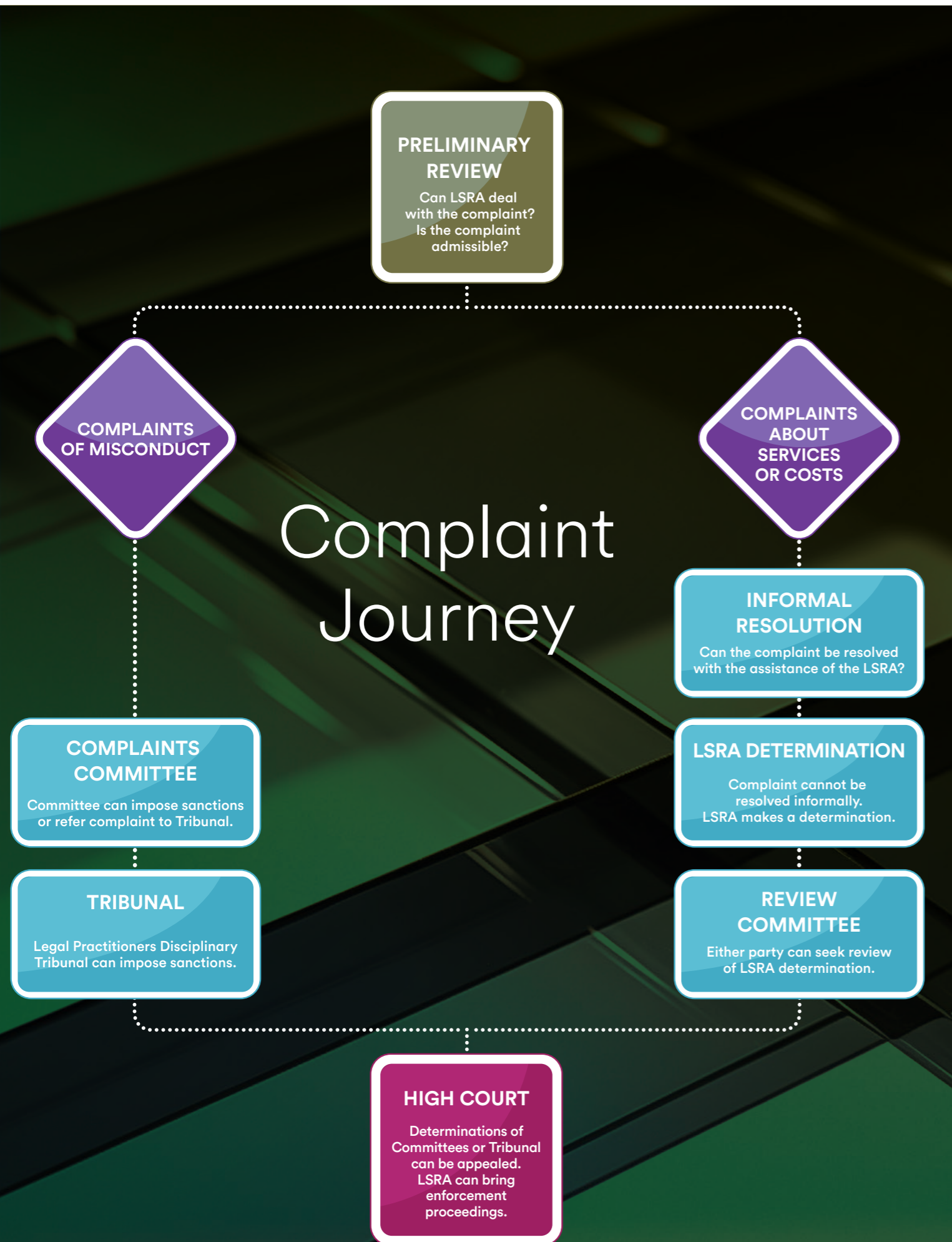
Complaints must be made to the LSRA in writing and they can be submitted by post or email. A complaint form is available on the LSRA website for download, along with information guides for the assistance of both complainants and legal practitioners. Complainants are encouraged to use the complaint form 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.

If you require particular assistance accessing our services, you can contact our Access Officer whose details are on our website (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 given a file reference number and are 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. Complaints may be informally resolved between the parties before a 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 an LSRA trained mediator. The mediator generally talks by telephone to both parties to see if there is way for them 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 informally, 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 about services and costs complaints

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 or the Roll of Practising Barristers.**

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 March 2024 to 6 September 2024, the LSRA received a total of 1,521 phone calls and e-mails requesting information and/or complaint forms. In addition, a total of 935 files were opened initially as queries. Following assessment, a total of 740 were then categorised as complaints. This is an increase of 16% in the total number of complaints received in this reporting period compared with the previous one, when 637 complaints were received. Of the 740 complaints, a total of 695 related to solicitors and 45 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. These reports now include a full breakdown of grounds across all 740 complaints received. This breakdown shows that a total of 559 complaints contained only one statutory ground, while a further 181 were mixed complaints combining more than one of the three grounds.

The largest category of complaints received were of alleged misconduct. In this period, 358 complaints received were about alleged misconduct only. However misconduct was also a ground for complaint in a further 135 complaints, bringing the total to two thirds of all complaints received.

A total of 190 complaints were about inadequate standards of legal services only. However inadequate services were also a ground for complaint in a further 175 complaints. Likewise, 11 complaints were about excessive costs only, with excessive costs grounds also raised in 87 other complaints.

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

Complaints Outcomes

A total of 735 complaints were closed in this reporting period. Of these, 315 complaints were closed because they were deemed to be inadmissible following a statutory assessment.

A total of 144 complaints were resolved informally between the parties with the assistance of the LSRA. These included 33 complaints which were resolved in the LSRA's Informal Resolution process with the help of trained mediators.

Of the remainder:

- 68 complaints were upheld.
- 97 complaints were not upheld.
- 35 complaints were withdrawn
- 28 complaints of alleged misconduct were referred to the LPDT.
- 60 complaints were closed for other reasons including that the complaint was deferred.

While there were 735 complaints closed in the reporting period, the complaints outcomes total above comes to 747. This is because there can be more than one outcome in a mixed complaint which contains more than one of the three 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.

Informally resolved complaints

In a total of 167 complaints of inadequate legal services and 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 18 complaints there was no response to the invitation by either the complainant or the legal practitioner.
- In 33 complaints the legal practitioner did not take up the invitation to take part in the Informal Resolution process.
- In 23 complaints the complainant did not take up the invitation to take part in the Informal Resolution process.
- A total of 33 complaints (up from 18 in the last reporting period) were resolved with the assistance of the LSRA's trained mediators.
- In 60 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 by the Informal Resolution process proceed to be investigated and determined by the LSRA.

LSRA determinations of complaints

The LSRA made determinations in 109 complaints this reporting period. Of these, 71 complaints were upheld and 38 were not upheld. A further 23 complaints were resolved, withdrawn, or could not proceed at that stage.

In 50 of the 71 upheld complaints, the legal practitioner was directed to pay compensation to the complainant of up to €3,000. The total amount of that compensation was €68,491. In addition, legal practitioners were directed to refund or waive a total of €21,965.

Either party to a complaint can seek a review of the LSRA's determinations within 30 days of notification (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 determinations made by the LSRA where the 30 day review has expired.

Table 2 in the Complaints Completion Statistics section of this report sets out the details of LSRA determinations that can now be reported. This table comprises both the 57 determinations made during this reporting period and 35 determinations made in a previous reporting period that can now be reported.

Likewise, 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.

Review Committee outcomes

The Review Committee met six times in the reporting period and made determinations in 37 complaints.

The Review Committee's determinations were as follows:

- **It confirmed the LSRA's determinations in a total of 31 complaints. In one of these, the Review Committee increased the amount of compensation awarded to the complainant. In a further two, the Review Committee decreased the amounts of compensation awarded to the complainants.**
- **It set aside LSRA determinations upholding three complaints.**
- **It overturned the LSRA's decision not to uphold one complaint.**
- **In two mixed complaints about both services and costs it confirmed both the determinations on costs grounds but on services grounds, it decreased the compensation of one and remitted back the other with the determination set aside.**

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

Complaints Committee outcomes

The Complaints Committee met on 24 occasions in the reporting period. It considered a total of 200 complaints of alleged misconduct and closed a total of 163. The outcomes were as follows:

- **28 complaints were referred to the LPDT for further investigation.**
- **10 complaints were upheld with the Committee imposing sanctions.**
- **64 complaints were not upheld.**
- **20 complaints were resolved by the parties and six were withdrawn whilst before the Committee.**
- **35 complaints were closed prior to consideration by the Complaints Committee. Of these, 21 were resolved by the parties and 14 were withdrawn by the complainant or discontinued for a range of other reasons.**

The Complaints Committee outcomes are set out in Tables 4 and 5 in the Complaints Completion Statistics section of this report.

Enforcement Activities

Failures by legal practitioners to hand over important documents when necessary has appeared as a recurring theme across the five years of the LSRA's independent complaints handling. 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 received that does not prove to be the case. The title deeds of properties have too often been lost by the carelessness of solicitors. In a well-managed solicitor's practice that simply should not happen. Solicitors are aware of the costs involved in trying to reconstitute a title deed – prevention is always better than cure.

AT A GLANCE

5 years of independent complaints handling

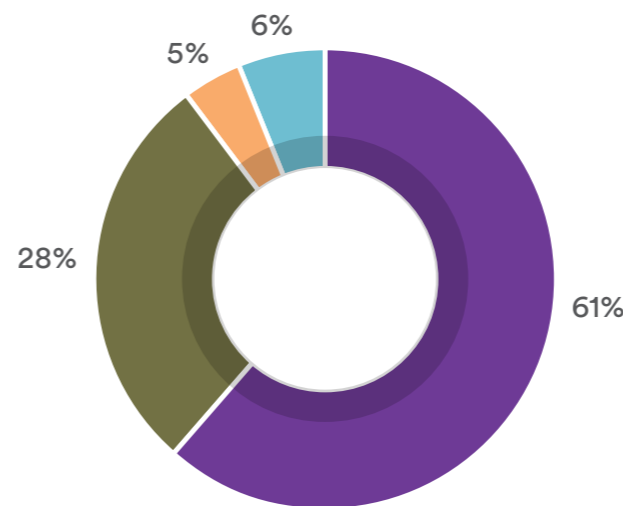
5 YEARS

ALMOST

1 IN 4 COMPLAINTS INFORMALLY RESOLVED



TYPES OF COMPLAINTS



- Misconduct 61%
- Inadequate legal services 28%
- Excessive costs 5%
- Mixed grounds 6%

€256,996

COMPENSATION ORDERED

€213,479

FEEs REFUNDED OR WAIVED

€27,350

AMOUNT OF COSTS ORDERED TO BE PAID TO LSRA

€354,020

UNPAID BARRISTERS' FEES RECOVERED FOLLOWING COMPLAINTS

19 HIGH COURT ENFORCEMENT ORDERS

7,091

COMPLAINTS RECEIVED



6,857

RELATING TO SOLICITORS

234

RELATING TO BARRISTERS

5,724

COMPLAINTS CLOSED



2,727

INADMISSIBLE

1,335

RESOLVED

916

WITHDRAWN AND OTHER

294

UPHELD

385

NOT UPHELD

98

REFERRED TO LPDT

745

OFFERS OF LSRA MEDIATION

399

LSRA MEDIATION OFFERS ACCEPTED

119

COMPLAINTS RESOLVED IN LSRA MEDIATION



Themes from 5 Years of Complaints

In this report the LSRA highlights the following prominent themes from five years of independent complaints handling:

Communications failures lie at the heart of many complaints

Communication or the absence of it has been a consistent theme across the five years of the LSRA's independent complaints handling. Problems caused by communications failures were highlighted in these reports in 2020 and again in 2022. In 2020, 16-17% of misconduct complaints received were directly related to a lack of communication by legal practitioners with clients. These usually related to failure to communicate the risk of legal proceedings, the time that proceedings might take and the costs of work undertaken. Indirectly though, lack of communications from legal practitioners to their clients continued to be heavily featured across a wide range of complaints. In fact, many complaints that were resolved early in the process were simply a matter of the legal practitioner getting in touch with a client after the LSRA notified them of the complaint. Communications failures were not just seen between clients and legal practitioners though. The LSRA has received a number of complaints from legal practitioners about other legal practitioners and their failure to respond in a timely fashion to correspondence, if at all. Equally, a number of legal practitioners have ignored correspondence from the LSRA, which leads to another one of this report's five themes – Enforcement.

High Court enforcement of LSRA's decisions and directions increases costs of regulation for all

Enforcement actions by the LSRA against legal practitioners have increasingly been a feature of our work in the past several years. In 2022, the LSRA began taking High Court enforcement proceedings under section 90 of the Legal Services Regulation Act 2015 in 2022 due to the failure of a small number of legal practitioners to comply with its directions or determinations following the investigation of a complaint. Since then, the LSRA has repeatedly reinforced the message that it will not hesitate to bring High Court enforcement proceedings against legal practitioners who seek to delay or frustrate the complaints process and restitution for complainants. The LSRA has also repeatedly communicated to legal practitioners that it will seek to obtain the costs incurred in taking High Court actions from the legal practitioners concerned. To date, the High Court has granted the LSRA a total of 19 enforcement orders under section 90 of the Act. Such action should not be necessary as every legal practitioner should comply with the directions of the regulator. Failure to do so only creates unnecessary work, which slows down the system and also creates additional costs which are passed on to all legal practitioners through the annual levy collected by the LSRA to fund its operations.

Wills and probate generate significant inadequate legal services complaints

The administration of estates by solicitors has consistently generated a significant number of complaints since the LSRA began its independent complaints handling in October 2019. The volume of complaints received in this category peaked early – in the six months from October 2019 to March 2020, 28% of all complaints of inadequate legal services related to wills and probate issues. The LSRA has unfortunately often been surprised that important documents such as wills have been lost by solicitors. In many cases complaints received from beneficiaries of estates have related to misunderstandings of the different roles and responsibilities of the executor/administrator and the solicitor and frustration at the length of time an estate is taking to be administered. Responsibility for the administration of a deceased's estate lies with the executors/administrators, and it is they, not the beneficiaries, who are the solicitors' clients. Too often, complainants are not sufficiently informed of this fact.

Too often no good reasons for solicitors' failures to hand over important client documents

Failures by legal practitioners to hand over important documents when necessary has appeared as a recurring theme across the five years of the LSRA's independent complaints handling. 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 received that does not prove to be the case. The title deeds of properties have too often been lost by the carelessness of solicitors. In a well-managed solicitor's practice that simply should not happen. Solicitors are aware of the costs involved in trying to reconstitute a title deed – prevention is always better than cure.

Welcome increase in informally resolved complaints

There has been a most welcome increase in the number of legal practitioners and complainants who have resolved complaints informally with the assistance of the LSRA. In the five years of our independent complaints handling, almost one in four (23%) of all closed complaints were resolved by the parties. Complaints can be resolved by agreement at any stage of the complaints process, either directly by the parties or with the assistance of the LSRA's trained mediators. The resolution of a complaint between the parties is often a much more satisfactory outcome for all concerned compared to the alternative of the complaint being determined by the LSRA and a possible sanction being directed. Informal resolution is not an appropriate way to handle every type of complaint, and the LSRA can only offer its mediator services for consumer complaints about legal services or costs. However, in the right circumstances, this approach can be a very effective and efficient way for both parties to work through their issues or disputes on an entirely voluntarily basis and in a safe and confidential manner with the help of the LSRA's specialist staff.

Case Studies

This section contains anonymised case studies based on actual complaints dealt with by the LSRA in its five years of independent complaints handling. These five case studies have been selected from previous complaints reports as illustrative of wider complaints trends. Details of the complaints may have been altered to ensure anonymity, but the case studies should serve to illustrate the nature of the complaints received as well as the outcomes. It is hoped that these case studies are useful for both consumers and legal practitioners.



CASE STUDY 1

Solicitor who provided inadequate legal services to client ordered by the High Court to comply with LSRA's direction

Type of Complaint: *Inadequate legal services*

The complainant engaged the solicitor in a family law case which lasted a number of years. There were long periods of time when the solicitor failed to return the client's phone calls or respond to emails. The solicitor eventually agreed to assign a new solicitor to handle the case. The new solicitor then left the firm and communication broke down again.

Outcome: *Complaint upheld*

The LSRA invited both parties to try to resolve matters informally. However, the solicitor did not respond to this invitation. This meant that the complaint was sent for investigation. As part of this process, both parties were asked to submit statements to the LSRA. Once again, the solicitor did not respond. The LSRA found that the legal services provided by the solicitor were of an inadequate standard. The solicitor was directed to transfer the client's file to another solicitor nominated by the client within 30 days. The solicitor did not respond to this direction. The LSRA applied to the High Court for an order directing the solicitor to comply with its direction. The High Court made this order, and also ordered the solicitor to pay the LSRA's costs for having to take the High Court action.

Lessons for the Public:

When you engage a solicitor, you are entitled to expect that your instructions will be carried out and that the solicitor will communicate with you promptly and professionally.

Lessons for Practitioners:

Good communication with your client is an important part of the service that you provide. You should never ignore your client. You should also communicate with the LSRA in relation to a complaint and comply fully with any directions, otherwise you may run the risk of being directed to do so by an order of the High Court.

CASE STUDY 2

Complaints Committee directs solicitor to pay LSRA's costs in misconduct complaint

Type of Complaint: *Misconduct*

A barrister made a complaint against a solicitor who had engaged him for Criminal Legal Aid work. The barrister provided evidence to indicate that he was due around €20,000 in unpaid fees, some of which were five years overdue.

Outcome: *Complaint upheld*

The complaint was investigated by the LSRA's Complaints Committee. During the investigation of the complaint, the barrister told the Committee that all fees due had since been paid by the solicitor and that he was prepared to withdraw the complaint. The Committee decided that its investigation should continue because it was in the public interest. The Committee found the solicitor did not pay the fees due to the barrister in a timely manner and also that he had not replied to correspondence from the LSRA. The solicitor was directed by the Complaints Committee to pay the sum of €2,500 towards the LSRA's costs.

Lessons for the Public:

If a solicitor receives funds to pay a barrister, they are obliged to pass them on without unreasonable delay. If a solicitor fails to do this, it can be considered as a complaint of misconduct.

Lessons for Practitioners:

If you receive funds to pay a barrister's fees, you should do this without delay. If the client has not paid you, you are obliged to use your best endeavours to secure the fees due. As this complaint shows, even if a complainant seeks to withdraw a complaint, it might still be investigated by the LSRA if it is in the public interest to do so.

5
YEARS

CASE STUDY 3

Excessive costs complaint upheld and solicitor directed to refund complainant

Type of Complaint: *Excessive costs*

The client engaged a solicitor in a family law matter and was given an estimate at the outset that the solicitor's professional fee would be in the region of €3,000 to €4,000. The work was undertaken over a number of years. In the final bill, the solicitor charged a professional fee of €5,000 and referred to an hourly rate of €250 per hour. The solicitor did not advise the client at any stage that the costs were being charged on a time posting basis or that they anticipated they would not be able to remain within the estimate given at the outset.

Outcome: *Complaint upheld*

The complaint was determined to be admissible and, as attempts to resolve the complaint informally were not successful, the LSRA proceeded to determine the complaint. The LSRA found that the costs were excessive and that the sum of €1,000 plus VAT should be refunded to the complainant.

Lessons for the Public:

When you instruct a solicitor, you are entitled to a clear notice about the legal costs that will be incurred or that are likely to be incurred. If the legal practitioner becomes aware of a factor that will significantly increase those costs, you must be provided with a new revised Costs Notice

Lessons for Practitioners:

You are bound by any fixed costs estimate that you give a client. You must provide a new Cost Notice as soon as you become aware that the costs are likely to be significantly greater than the original costs estimate provided.

5
YEARS

CASE STUDY 4

Agreement between parties at an advanced stage shows it is never too late to resolve complaints**Type of Complaint: *Misconduct***

A complaint was made by a client against their solicitor who was engaged to carry out conveyancing work. The client complained that the solicitor had failed to register a property with the Property Registration Authority.

Outcome: *Complaint resolved informally*

The LSRA invited both parties to resolve the complaint through Informal Resolution with the assistance of a mediator. The solicitor did not accept the LSRA's invitation. As the complaint involved misconduct, it was referred to the Complaints Committee for investigation. After the Complaints Committee's first meeting, the parties met up. The solicitor agreed to complete the registration of the land and not to charge the client for the work. The client was satisfied that this resolved the issue, and withdrew the complaint.

Lessons for the Public:

It is always good to be willing to engage with your solicitor or barrister if they are willing to work towards resolving the issues. You may still get a satisfactory outcome, even at a late stage in the process.

Lessons for Practitioners:

Where a complaint relates to the provision of legal services which were inadequate to a substantial degree, this can amount to misconduct. The LSRA is obliged in such complaints to attempt to resolve the matter between the parties while at the same time the matter is also referred to the Complaints Committee for investigation.



CASE STUDY 5

Solicitor directed to pay compensation for excessive delay in transferring funds to client**Type of Complaint: *Misconduct***

A complaint was made by a client against her solicitor, who she had instructed in the sale of her property. The client said she did not receive the proceeds of the sale of the property until approximately six months after the sale closed. She also complained that the solicitor failed to communicate with her.

Outcome: *Complaint upheld*

The LSRA invited both parties to try to resolve matters informally. Neither party responded to this invitation. The complaint was referred to the Complaints Committee for further investigation. The Committee directed the solicitor to pay €500 compensation to the client.

Lessons for the Public:

If your solicitor has received funds from the sale of a property or an award of compensation on your behalf, you are entitled to have those funds as soon as practicable. Money should not be held by your solicitor without good reason.

Lessons for Practitioners:

Funds held on behalf of a client should not be held without good reason. It is important to respond promptly to requests from your clients for release of their money to them. Any reasons for holding funds should be clearly explained. Legal practitioners should also regularly check all credit balances, so that such issues are not overlooked.



Statistical Breakdown of Complaints

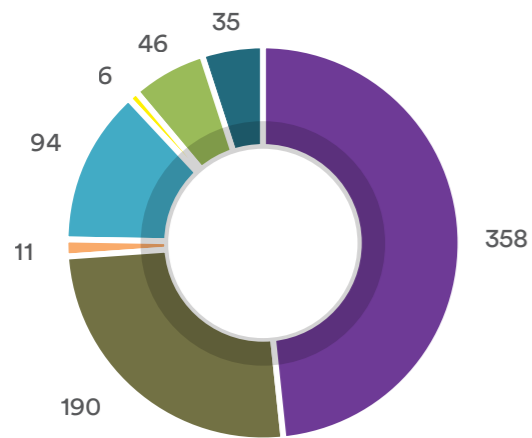
Complaints Received

From 2 March 2024 to 6 September 2024

All Grounds for Complaints

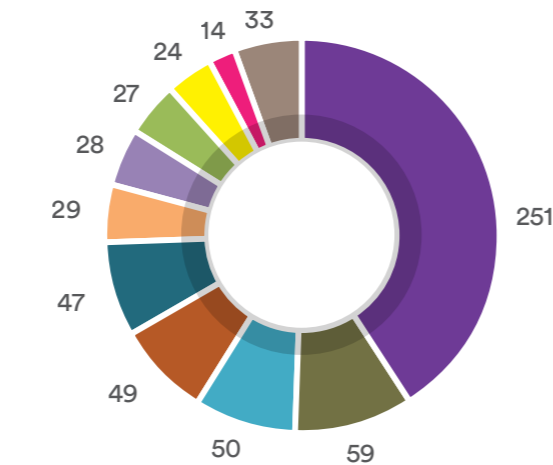
Complaints under the Act's three grounds are classified by the LSRA into a range of categories as part of an administrative process to aid our reporting. The recording of complaints reflects the reality that a single complaint may include several different components across a total of 37 available categories.

The 740 individual complaints received in the period contained a total of 1,091 components across the available 37 categories.



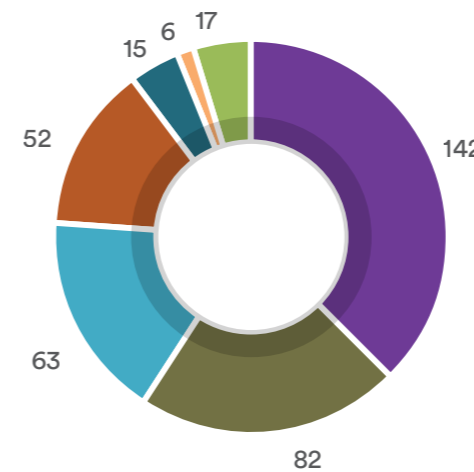
Misconduct

A total of 611 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 the largest were 251 (41%) which related to conduct likely to bring the profession into disrepute, and 59 (10%) a failure to comply with an undertaking. A further 50 (8%) involved alleged failure to handover a file or other deeds and documents, 49 (8%) related to alleged fraud or dishonesty, 47 (8%) related to failure to communicate and 29 (5%) related to an alleged failure to account for clients' money.



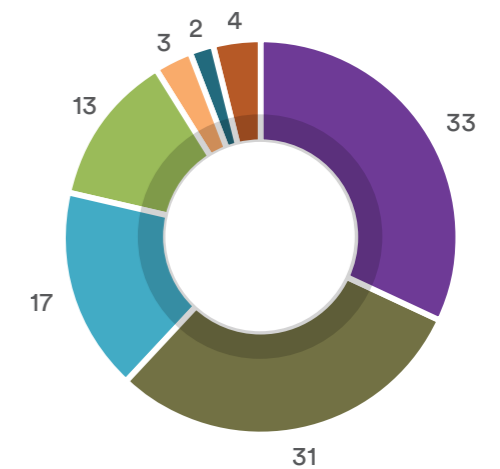
Inadequate Legal Services

A total of 377 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, 142 (38%) related to litigation, 82 (21.8%) related to conveyancing, with 63 (17%) related to family law, and 52 (14%) related to probate and the administration of estates.



Excessive Costs

A total of 103 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, 33 (32%) related to litigation, with 31 (30%) related to family law, 17 (17%) related to conveyancing, and 13 (13%) related to probate and the administration of estates.



Complaints Completion Statistics

Complaints closed from 2 March 2024 to 6 September 2024

TABLE 1: Complaints Closed

Inadmissible	315	42.2%
Resolved with assistance of LSRA	144	19.3%
Not Upheld	97	13.0%
Upheld	68	9.1%
Withdrawn	35	4.7%
Referred to the LPDT	28	3.7%
Other	60	8.0%
TOTAL COMPLAINTS CLOSED	747*	

* The 747 outcomes relate to a total of 735 closed complaints. Twelve complaints were on mixed grounds and therefore had multiple outcomes.

TABLE 2: Complaints Determined by LSRA Complaints Staff*

No.	Date of LSRA Determination	Nature of Complaint	Outcome
1	06/10/2023	Inadequate legal services in the administration of an estate	Upheld. Practitioner directed to answer in full the queries raised, confirm the up to date position with the administration and pay €1,500 as compensation
2	06/10/2023	Inadequate legal services in the administration of an estate	Upheld. Practitioner directed to answer in full the queries raised, provide an update and pay €1,500 as compensation
3	24/10/2023	Inadequate legal services in relation to a will	Not upheld
4	25/10/2023	Excessive costs in a matter relating to a hospital and a deceased relative	Not upheld
5	13/11/2023	A mixed complaint. Inadequate legal services and excessive costs in a family law/litigation matter	Services complaint upheld. Practitioner directed to pay €375 as compensation. Costs complaint not upheld
6	14/11/2023	Inadequate legal services in a litigation matter	Not upheld
7	23/11/2023	Inadequate legal services in Court proceedings	Upheld. Practitioner directed to furnish the final bill of costs, transfer the file and pay €300 as compensation
8	28/11/2023	Inadequate legal services in a family law matter	Upheld. Practitioner directed to transfer the file and apply to come off record
9	30/11/2023	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to transfer the file and pay €3,000 as compensation

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
10	05/12/2023	Inadequate legal services in a family law matter	Upheld. Practitioner directed to pay €500 as compensation
11	07/12/2023	Inadequate legal services in relation to court proceedings	Not upheld
12	13/12/2023	Inadequate legal services in a conveyance matter	Upheld. Practitioner directed to make available for collection all remaining files belonging to the client
13	08/01/2024	Inadequate legal services in a litigation matter	Upheld. Practitioner directed to pay €2,000 as compensation
14	09/01/2024	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to transfer the file, waive all fees, refund costs and pay €2,000 as compensation
15	10/01/2024	Inadequate legal services in the administration of an estate	Not upheld
16	18/01/2024	Inadequate legal services in relation to dealing with a property management company	Not upheld
17	18/01/2024	Inadequate legal services in a family law matter	Not upheld
18	18/01/2024	Excessive costs in relation to an enduring power of attorney	Not upheld
19	24/01/2024	A mixed complaint. Inadequate legal services and excessive costs in a litigation matter	Services complaint upheld. Practitioner directed to pay €300 as compensation. A costs complaint was not upheld
20	25/01/2024	Inadequate legal services in relation to a lease	Upheld. Practitioner directed to pay the client €750

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
21	29/01/2024	A mixed complaint. Inadequate legal services and excessive costs in a conveyance matter	Services complaint upheld. Practitioner directed to discount the final bill of costs by €1,000. A costs complaint was not upheld
22	30/01/2024	Inadequate legal services in a litigation matter	Not upheld
23	01/02/2024	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to pay €2,000 as compensation
24	01/02/2024	A mixed complaint. Inadequate legal services and excessive costs in a family law matter	Services complaint upheld. Practitioner directed to deduct €2,000 from the bill. A costs complaint was not upheld
25	07/02/2024	Excessive costs in a family law matter	Upheld. Practitioner directed to waive fees of €6,000 plus VAT
26	08/02/2024	Inadequate legal services in relation to land registration	Upheld. Practitioner directed to secure first registration at own expense and pay €500 as compensation
27	09/02/2024	Excessive costs in a personal injury settlement	Upheld. Practitioner directed to waive €13,150 of the professional fees
28	19/02/2024	Inadequate legal services in a sale/purchase of properties matter	Upheld. Practitioner directed to pay €250 as compensation
29	20/02/2024	Inadequate legal services in a conveyance matter	Not upheld

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
30	21/02/2024	A mixed complaint. Inadequate legal services and excessive costs in a family law matter	Costs complaint upheld. Practitioner directed to refund €6,150. A services complaint was not upheld
31	21/02/2024	Inadequate legal services in relation to criminal injuries compensation and a personal injury matter	Not upheld
32	22/02/2024	Inadequate legal services in a personal injury matter	Upheld - no direction
33	26/02/2024	Inadequate legal services in a conveyance matter	Not upheld
34	26/02/2024	Inadequate legal services in relation to a will	Not upheld
35	28/02/2024	Inadequate legal services in relation to divorce proceedings	Upheld. Practitioner directed to transfer the file
36	13/03/2024	Inadequate legal services in a property registration matter	Upheld. Practitioner directed to transfer the file
37	14/03/2024	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to pay €1,000 as compensation
38	14/03/2024	Inadequate legal services in a site transfer matter	Upheld. Practitioner directed to transfer the file without seeking any costs and pay €3,000 as compensation
39	21/03/2024	Inadequate legal services in a family law matter	Upheld. Practitioner directed to pay €1,000 as compensation

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
40	21/03/2024	A mixed complaint. Inadequate legal services and excessive costs in relation to business property matters	Services complaint upheld. Practitioner directed to pay €500 in compensation. A costs complaint was not upheld
41	21/03/2024	Inadequate legal services in Court proceedings	Upheld. Practitioner directed to furnish the client with a final bill of costs and pay €1,000 as compensation
42	22/03/2024	Inadequate legal services in a conveyance matter	Not upheld
43	25/03/2024	A mixed complaint. Inadequate legal services and excessive costs in a property sale matter	Costs complaint upheld. Practitioner directed to waive €1,000. A services complaint was not upheld
44	26/03/2024	Inadequate legal services in a family law matter	Upheld - no direction
45	27/03/2024	Inadequate legal services in a family law matter	Upheld. Practitioner directed to pay €250 as compensation
46	04/04/2024	A mixed complaint. Inadequate legal services and excessive costs in a family law matter	Not upheld
47	10/04/2024	Inadequate legal services in a family law matter	Upheld. Practitioner directed to pay €200 as compensation
48	11/04/2024	Excessive costs in relation to a property sale matter	Not upheld
49	11/04/2024	Inadequate legal services in relation to an income protection plan	Upheld. Practitioner directed to waive any outstanding fees, transfer the file and pay €2,000 as compensation

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
50	11/04/2024	Inadequate legal services in a personal injury matter	Upheld. Practitioner directed to transfer the file and pay €2,000 as compensation
51	15/04/2024	Excessive costs in a family law matter	Not upheld
52	15/04/2024	Inadequate legal services in a litigation matter	Not upheld
53	18/04/2024	Inadequate legal services in a family law matter	Not upheld
54	19/04/2024	Inadequate legal services in relation to an assisted voluntary surrender of the family home	Upheld. Practitioner directed to pay €1,000 as compensation
55	24/04/2024	Inadequate legal services in the sale of a property	Upheld - no direction
56	29/04/2024	Inadequate legal services in a probate matter	Not upheld
57	29/04/2024	Inadequate legal services in a litigation matter	Upheld. Practitioner directed to hand over the file and pay €1,476 as compensation
58	30/04/2024	Inadequate legal services in a personal injury matter	Upheld. Practitioner directed to transfer the file and pay €3,000 as compensation
59	01/05/2024	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to pay €615 as compensation
60	03/05/2024	Inadequate legal services in a family law matter	Not upheld

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
61	07/05/2024	A mixed complaint. Inadequate legal services and excessive costs in a property purchase/sale matter	Upheld. Practitioner directed to pay €200 as compensation and refund €350 of the costs
62	09/05/2024	Inadequate legal services in relation to a child care proceedings matter	Not upheld
63	09/05/2024	Inadequate legal services in a family law matter	Upheld - no direction
64	10/05/2024	Inadequate legal services in the administration of an estate and a personal injury matter	Upheld. Practitioner directed to pay €3,000 as compensation
65	15/05/2024	Inadequate legal services in a civil claim matter	Not upheld
66	15/05/2024	A mixed complaint. Inadequate legal services and excessive costs in a Court proceedings matter	Services complaint upheld. Practitioner directed to refund €1,897.50 and pay €250 in compensation. A costs complaint was not upheld
67	17/05/2024	Excessive costs in a property purchase matter	Upheld. Practitioner directed to waive €100 plus VAT in costs
68	21/05/2024	A mixed complaint. Inadequate legal services and excessive costs in a property registration (adverse possession) matter	Not upheld
69	21/05/2024	Inadequate legal services in a conveyance matter	Upheld. Practitioner directed to pay €3,000 as compensation
70	22/05/2024	Inadequate legal services in relation to compensation claims	Not upheld

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
71	22/05/2024	Inadequate legal services in relation to compensation claims	Not upheld
72	22/05/2024	Inadequate legal services in the administration of an estate	Not upheld
73	22/05/2024	A mixed complaint. Inadequate legal services and excessive costs in a probate matter	Not upheld
74	22/05/2024	Inadequate legal services in a conveyance matter	Upheld. Practitioner directed to pay €1,000 as compensation
75	22/05/2024	Inadequate legal services in the administration of an estate and proceedings with a local authority	Upheld. Practitioner directed to pay €1,500 as compensation
76	22/05/2024	A mixed complaint. Inadequate legal services and excessive costs in a family law matter	Upheld. Practitioner directed to waive €676.66 in costs, furnish the final bill of costs at own expense taking account of the €676.66 and pay €400 as compensation
77	23/05/2024	Inadequate legal services in relation to a compensation claim	Upheld. Practitioner directed to transfer the file and pay €1,000 as compensation
78	23/05/2024	Inadequate legal services in relation to a tenancy agreement termination	Not upheld
79	23/05/2024	Inadequate legal services in a family law matter	Upheld. Practitioner directed to pay €300 as compensation
80	23/05/2024	Inadequate legal services in a family law matter	Upheld. Practitioner directed to transfer the file and pay €3,000 as compensation

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
81	23/05/2024	Inadequate legal services in a court proceedings matter	Upheld. Practitioner directed to pay €300 as compensation
82	06/06/2024	Inadequate legal services in relation to two civil cases	Upheld. Practitioner directed to issue the bill of costs at own expense
83	06/06/2024	Inadequate legal services in a probate matter	Upheld. Practitioner directed to transfer the file to another legal practitioner
84	11/06/2024	A mixed complaint. Inadequate legal services and excessive costs in a police property application and advices matter	Not upheld
85	13/06/2024	Inadequate legal services in a property sale matter	Not upheld
86	14/06/2024	Inadequate legal services in relation to a land transfer matter	Upheld. Practitioner directed to transfer the file and pay €3,000 as compensation
87	20/06/2024	Inadequate legal services in a personal injury matter	Upheld. Practitioner directed to waive any fees which may be due, transfer the file and pay €1,500 as compensation
88	20/06/2024	Inadequate legal services in the sale of a property matter	Upheld. Practitioner directed to transfer the file and pay €2,500 as compensation
89	21/06/2024	Excessive costs in a litigation matter	Not upheld
90	27/06/2024	Inadequate legal services in relation to the distribution of money from an estate	Upheld. Practitioner directed to account fully for the monies due and pay €1,000 as compensation

TABLE 2: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	Outcome
91	12/07/2024	Inadequate legal services in relation to the drafting of a will	Upheld. Practitioner directed to pay €1,500 as compensation
92	31/07/2024	Inadequate legal services in a family law matter	Upheld. Practitioner directed to provide a full statement outlining distribution of monies & the status of the family law matters, transfer the file and pay €1,500 as compensation

* Table 2 shows the 57 determinations from the current period and 35 from a previous period that can now be reported on.

TABLE 3: Review Committee Outcomes

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
1	06/10/2023	Inadequate legal services in the administration of an estate	Upheld. Practitioner directed to answer in full the queries raised, confirm the up to date position with the administration and pay €1,500 as compensation	06/03/2024	Did not confirm LSRA determination
2	06/10/2023	Inadequate legal services in the administration of an estate	Upheld. Practitioner directed to answer in full the queries raised, provide an update and pay €1,500 as compensation	06/03/2024	Confirmed LSRA determination
3	24/10/2023	Inadequate legal services in relation to a will	Not upheld	06/03/2024	Confirmed LSRA determination
4	25/10/2023	Excessive costs in a matter relating to a hospital and a deceased relative	Not upheld	17/04/2024	Confirmed LSRA determination
5	13/11/2023	A mixed complaint. Inadequate legal services and excessive costs in a family law/litigation matter	Services complaint upheld. Practitioner directed to pay €375 as compensation. Costs complaint not upheld	06/03/2024	Confirmed LSRA determination

TABLE 3: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
6	14/11/2023	Inadequate legal services in a litigation matter	Not upheld	17/04/2024	Confirmed LSRA determination
7	23/11/2023	Inadequate legal services in Court proceedings	Upheld. Practitioner directed to furnish the final bill of costs, transfer the file and pay €300 as compensation	06/03/2024	Confirmed LSRA determination, practitioner directed to pay a further €700 compensation
8	28/11/2023	Inadequate legal services in a family law matter	Upheld. Practitioner directed to transfer the file and apply to come off record	06/03/2024	Confirmed LSRA determination
9	30/11/2023	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to transfer the file and pay €3,000 as compensation	06/03/2024	Confirmed LSRA determination
10	05/12/2023	Inadequate legal services in a family law matter	Upheld. Practitioner directed to pay €500 as compensation	06/03/2024	Did not confirm LSRA determination
11	07/12/2023	Inadequate legal services in relation to court proceedings	Not upheld	06/03/2024	Confirmed LSRA determination

TABLE 3: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
12	13/12/2023	Inadequate legal services in a conveyance matter	Upheld. Practitioner directed to make available for collection all remaining files belonging to the client	17/04/2024	Confirmed LSRA determination
13	08/01/2024	Inadequate legal services in a litigation matter	Upheld. Practitioner directed to pay €2,000 as compensation	17/04/2024	Did not confirm LSRA determination
14	09/01/2024	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to transfer the file, waive all fees, refund costs and pay €2,000 as compensation	17/04/2024	Confirmed LSRA determination
15	18/01/2024	Inadequate legal services in relation to dealing with a property management company	Not upheld	06/03/2024	Confirmed LSRA determination
16	18/01/2024	Inadequate legal services in a family law matter	Not upheld	17/04/2024	Confirmed LSRA determination

TABLE 3: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
17	18/01/2024	Excessive costs in relation to an enduring power of attorney	Not upheld	17/04/2024	Confirmed LSRA determination
18	24/01/2024	A mixed complaint. Inadequate legal services and excessive costs in a litigation matter	Services complaint upheld. Practitioner directed to pay €300 as compensation. A costs complaint was not upheld	26/06/2024	Confirmed LSRA determinations - reduced compensation to €0
19	25/01/2024	Inadequate legal services in relation to a lease	Upheld. Practitioner directed to pay the client €750	17/04/2024	Confirmed LSRA determination
20	01/02/2024	A mixed complaint. Inadequate legal services and excessive costs in a family law matter	Services complaint upheld. Practitioner directed to deduct €2,000 from the bill. A costs complaint was not upheld	17/04/2024	Confirmed LSRA determination
21	07/02/2024	Excessive costs in a family law matter	Upheld. Practitioner directed to waive fees of €6,000 plus VAT	17/04/2024	Confirmed LSRA determination, reduced the reduction in fees to €3,396.26

TABLE 3: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
22	19/02/2024	Inadequate legal services in a sale/purchase of properties matter	Upheld. Practitioner directed to pay €250 as compensation	15/05/2024	Confirmed LSRA determination
23	26/02/2024	Inadequate legal services in relation to a will	Not upheld	15/05/2024	Did not confirm LSRA determination. Practitioner directed to pay €250 as compensation
24	14/03/2024	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to pay €1,000 as compensation	15/05/2024	Confirmed LSRA determination
25	21/03/2024	A mixed complaint. Inadequate legal services and excessive costs in relation to business property matters	Services complaint upheld. Practitioner directed to pay €500 in compensation. A costs complaint was not upheld	15/05/2024	Confirmed LSRA determination in relation to costs. Did not confirm the LSRA determination in relation to services.
26	21/03/2024	Inadequate legal services in Court proceedings	Upheld. Practitioner directed to furnish the client with a final bill of costs and pay €1,000 as compensation	26/06/2024	Confirmed LSRA determination - reduced compensation to €0

TABLE 3: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
27	22/03/2024	Inadequate legal services in a conveyance matter	Not upheld	15/05/2024	Confirmed LSRA determination
28	04/04/2024	A mixed complaint. Inadequate legal services and excessive costs in a family law matter	Not upheld	09/07/2024	Confirmed LSRA determinations
29	11/04/2024	Excessive costs in relation to a property sale matter	Not upheld	26/06/2024	Confirmed LSRA determination
30	01/05/2024	Inadequate legal services in a property purchase matter	Upheld. Practitioner directed to pay €615 as compensation	26/06/2024	Confirmed LSRA determination
31	09/05/2024	Inadequate legal services in relation to a child care proceedings matter	Not upheld	26/06/2024	Confirmed LSRA determination
32	09/05/2024	Inadequate legal services in a family law matter	Upheld - no direction	05/09/2024	Confirmed LSRA determination
33	15/05/2024	Inadequate legal services in a civil claim matter	Not upheld	05/09/2024	Confirmed LSRA determination

TABLE 3: (Continued)

No.	Date of LSRA Determination	Nature of Complaint	LSRA Direction	Date of Review Committee Meeting	Outcome
34	22/05/2024	A mixed complaint. Inadequate legal services and excessive costs in a probate matter	Not upheld	05/09/2024	Confirmed LSRA determinations
35	23/05/2024	Inadequate legal services in relation to a compensation claim	Upheld. Practitioner directed to transfer the file and pay €1,000 as compensation	05/09/2024	Confirmed LSRA determination
36	23/05/2024	Inadequate legal services in a family law matter	Upheld. Practitioner directed to pay €300 as compensation	05/09/2024	Confirmed LSRA determination
37	23/05/2024	Inadequate legal services in a court proceedings matter	Upheld. Practitioner directed to pay €300 as compensation	05/09/2024	Confirmed LSRA determination

TABLE 4: Complaints Committee Outcomes

Complaints Committee Outcomes	
Referred to LPDT	28
Upheld	10
Not Upheld	64
Resolved	20
Withdrawn	6
Closed prior to Complaints Committee Consideration	35
TOTAL	163

TABLE 5: Complaints Committee Directions and Referrals

No.	Date of Committee Meeting	Nature of Complaint	Outcome
1	29/02/2024	Failure to comply with s68(1) of the Solicitors Acts and failure to account for money paid	Referred to the LPDT
2	29/02/2024	Failure to comply with an undertaking	Referred to the LPDT
3	14/03/2024	Failure to communicate and hand over the file	Referred to the LPDT
4	14/03/2024	Failure to reply to correspondence and provide documentation	Referred to the LPDT
5	17/04/2024	Failure to follow client instructions and misleading the client	Upheld - no direction
6	17/04/2024	Failure to comply with an undertaking	Referred to the LPDT
7	25/04/2024	Selling of a property without involving the complainants firm or sharing the fees	Upheld. Practitioner directed to transfer half the fees and pay €2,500 towards the Authority costs
8	25/04/2024	Conflict of interest in a land lease matter	Referred to the LPDT
9	25/04/2024	Failure to provide the proceeds of a house sale to the mortgage company	Referred to the LPDT
10	30/04/2024	Failure to confirm in writing the costs	Upheld - no direction
11	30/04/2024	Failure to pay Counsel's fees	Referred to the LPDT
12	30/04/2024	Failure to comply with an undertaking	Referred to the LPDT
13	30/04/2024	Failure to pay Counsel's fees	Referred to the LPDT

TABLE 5: (Continued)

No.	Date of Committee Meeting	Nature of Complaint	Outcome
14	30/04/2024	Failure to pay Counsel's fees	Referred to the LPDT
15	01/05/2024	Barrister accepting solicitor's fees	Referred to the LPDT
16	30/05/2024	Withholding of monies	Upheld - no direction
17	30/05/2024	Acting in a way in which is very unprofessional and threatening and bringing the profession into disrepute	Upheld - no direction
18	30/05/2024	Failure to comply with an undertaking	Referred to the LPDT
19	12/06/2024	Delays, failure to hand over the file and to have the costs set down for adjudication	Referred to the LPDT
20	12/06/2024	Untruths in court proceedings	Referred to the LPDT
21	20/06/2024	Failure to hand over the file	Upheld. Practitioner directed to hand over the file
22	20/06/2024	Failure to comply with an undertaking	Referred to the LPDT
23	20/06/2024	Failure to comply with an undertaking	Referred to the LPDT
24	20/06/2024	Failure to comply with an undertaking	Referred to the LPDT
25	20/06/2024	Failure to comply with an undertaking	Referred to the LPDT
26	20/06/2024	Failure to pay Counsel's fees	Referred to the LPDT
27	20/06/2024	Failure to comply with an undertaking	Referred to the LPDT
28	20/06/2024	Failure to pay Counsel's fees	Referred to the LPDT
29	20/06/2024	Failure to pay Counsel's fees	Referred to the LPDT

TABLE 5: (Continued)

No.	Date of Committee Meeting	Nature of Complaint	Determination
30	10/07/2024	Substantial inadequate legal services in respect of a sale of a business	Upheld - no direction
31	10/07/2024	Failure to hand over the file	Upheld. Practitioner directed to hand over the file and title documents
32	16/07/2024	Failure to comply with an undertaking	Referred to the LPDT
33	16/07/2024	Failure to comply with an undertaking	Referred to the LPDT
34	16/07/2024	Failure to comply with various undertakings	Referred to the LPDT
35	24/07/2024	Failure to release documents and complete the registration of a property	Upheld. Practitioner directed to transfer the file and discharge all reasonable costs associated with rectifying the title
36	24/07/2024	Failure to hand over the file and untruths	Upheld - no direction
37	24/07/2024	Failure to comply with an undertaking and to provide a certificate of discharge for NPPR	Referred to the LPDT
38	24/07/2024	Failure to communicate and previous correspondence was rude and unprofessional	Referred to the LPDT

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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