

Annual Report
of the
**Independent
Adjudicator**
of the
**Law Society
of Ireland**



Year ending 30 September 2015

Carol Ann Casey
Independent Adjudicator of the Law Society

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FOREWORD

The role of the Independent Adjudicator of the Law Society is a statutory office where I am responsible for (a) ensuring that the Law Society of Ireland handles complaints about its members in an effective and efficient manner, (b) reviewing the Law Society's handling of claims made on its Compensation Fund, and (c) recommending any changes in the Law Society's complaints and claims procedures which are, in my view, necessary to maintain the highest standards.

As the Independent Adjudicator of the Law Society of Ireland a fundamental attribute of my position, and the core of my work ethic, is that I am independent and impartial in all my work and adjudications. Being the Independent Adjudicator is not a campaigning job: it is not my role to wag a finger at the profession nor is it my job to come up with a binary answer (yes/no, guilty/innocent, etc.). Simply put, I am neither an advocate nor an apologist. I hold a statutory office and deem the role of the Independent Adjudicator to be in the public interest as the incumbent cannot be, and is not, a lawyer thus meaning I am impartial with an appropriate professional background.

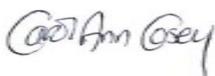
Complaints are investigated by the Complaints and Client Relations Section of the Law Society's Regulation Department. Complaints centre on three key areas: inadequate professional services, excessive fees and professional misconduct. Compensation Fund claims are processed by the Financial Regulation Section of the Law Society's Regulation Department and decided by the Regulation of Practice Committee of the Law Society.

I observe at various Complaints and Client Relations Committee and Regulation of Practice Committee meetings, and occasionally at Solicitors Disciplinary Tribunal hearings and High Court hearings of interest. I believe that my attendances at committee meetings, and my conducting various random reviews of files, are integral to my role to ensure that in my view the maintenance of the highest standards apply to the handling of complaints, Compensation Fund claims and disciplinary matters.

I carry out the duties of the Independent Adjudicator of the Law Society position single-handedly, and on a part-time basis, with emphasis on compliance, efficiency and effectiveness. Being solitary in my role I regularly professionally develop my skills to deliver high quality customer service in my role.

I wish to acknowledge my professional relationship with the Law Society of Ireland. Whilst I am independent and impartial with clear boundaries, I would like to commend the work of the ISO accredited Complaints and Client Relations Section, led by Ms Linda Kirwan, and the Financial Regulation Section lead by Mr Seamus McGrath and Mr John Elliot, Registrar and Director of Regulation who continually facilitate my requests. Equally I would like to thank the chairmen of the various committees for facilitating my observing on their respective committees on an ongoing basis throughout the year, and for presiding over increasingly fair and reasoned decisions.

Finally, I wish Mr Justice Nicholas Kearns well for his retirement as President of the High Court.



Carol Ann Casey
Independent Adjudicator of the Law Society

19 November 2015

Section 1

REMIT OF THE INDEPENDENT ADJUDICATOR

The Legal Services Regulation Bill was published on 12 October 2011 and when enacted will supersede my Office. Until then my Office continues with the following unchanged remit:

Statutory governance

The Office of the Independent Adjudicator was established by Statutory Instrument No. 406 of 1997 – Solicitors (Adjudicator) Regulations, 1997 and Statutory Instrument No. 720 of 2005 – Solicitors (Adjudicator) (Amendment) Regulations, 2005.

<http://www.irishstatutebook.ie/1997/en/si/0406.html>

<http://www.irishstatutebook.ie/2005/en/si/0720.html>

The holder of the office cannot be a practising solicitor, a member of the Law Society of Ireland or a practising barrister and shall be independent in the exercise of functions of the office.

The Office of the Independent Adjudicator

The Office of the Independent Adjudicator provides an independent forum to which members of the public may apply if they are dissatisfied with the manner in which the Law Society of Ireland has dealt with any inadequate professional service, misconduct or overcharging related complaint made by or on behalf of any client against their solicitor. The Office of the Independent Adjudicator is located at 26 Upper Pembroke Street, Dublin 2, autonomous of all Law Society premises.

The Office of the Independent Adjudicator also deals with complaints about any decision by the Law Society concerning an application for a grant from the Law Society's Compensation Fund. Grants are made to clients who have suffered a loss due to a solicitor's dishonesty. Grants are not made in respect of losses that have arisen due to a solicitor's negligence.

The role of the Independent Adjudicator:

- (a) ensures that complaints about the conduct of a solicitor are dealt with fairly and impartially by the Law Society;
- (b) reviews complaints about any decision by the Law Society concerning an application for a grant from the Law Society's Compensation Fund; and
- (c) recommends any changes in the Law Society's complaints procedures which are, in the Independent Adjudicator's view, necessary to maintain the highest standards.

Powers of the Independent Adjudicator

Once satisfied that the complaint falls within the Office's terms of reference, the Independent Adjudicator will examine the Law Society's records, make whatever enquiries are considered necessary and may, if appropriate, direct the Law Society to either re-examine the complaint or make an application to the Solicitors' Disciplinary Tribunal, which may lead to the disciplining of a solicitor. The Independent Adjudicator may, if appropriate, also direct the Law Society to re-examine its decision concerning an application for a grant from the Law Society's Compensation Fund. The Independent Adjudicator can only deal with a complaint about the Law Society's handling of a complaint against a solicitor and cannot investigate at first hand a complaint about a solicitor.

The Independent Adjudicator cannot award compensation and cannot consider any matters which have been dealt with by the Solicitors Disciplinary Tribunal or, in the case of complaints about

excessive fees, the Taxing Master. If a complaint is still under investigation by the Law Society, the Independent Adjudicator will await the Law Society's determination before dealing with any complaint made.

Section 2

CONSUMER INFORMATION ON MAKING A COMPLAINT ABOUT A SOLICITOR

Who can use the Independent Adjudicator

A client who is dissatisfied with the manner in which their complaint has been handled by the Law Society, or who is dissatisfied with any decision concerning an application for a grant from the Law Society's Compensation Fund may, any time within the three year period of the Law Society's decision date, apply to the Independent Adjudicator.

Complaints the Law Society may investigate

The Law Society is permitted to investigate complaints against solicitors by or on behalf of clients alleging the following:

- **misconduct** as provided for by Section 3 of the Solicitors (Amendment) Act 1960 as amended by Section 24 of the Solicitors (Amendment) Act 1994 and by Section 7 of the Solicitors (Amendment) Act 2002;
- the provision of **inadequate legal services** as provided for by Section 8 of the Solicitors (Amendment) Act 1994;
- the charging of **excessive fees** as provided for by Section 9 of the Solicitors (Amendment) Act 1994;

and includes any allegation, including an allegation which for whatever reason has been withdrawn, where the Society considers that, in pursuance of its regulatory functions and in the public interest, the Society ought to investigate or continue to investigate.

What the Law Society cannot do

- Interfere with court proceedings to have a decision of a court overturned;
- Deal with complaints about the Garda Síochána, Barristers, Court Officials, Judges, etc.;
- Deal with complaints, particularly complaints of negligence, where legal action is a more appropriate remedy;
- Only in exceptional circumstances deal with complaints about a solicitor where the complainant is not the client of that solicitor. If the person is complaining about the behaviour of a solicitor who is acting for someone on the other side of a case or transaction the Society will require the person's solicitor to endorse the complaint;
- Deal with a complaint which does not relate to the professional services provided by a solicitor;
- Deal with a complaint of excessive fees arising out of a bill which issued more than five years ago;
- Deal with complaints of inadequate professional services which were provided more than five years ago;
- Deal with a complaint which is based on how the person's solicitor presented their case in court;
- The solicitors working in the Complaints and Client Relations Section will answer any queries the general public have about the complaints procedure, but they cannot give legal advice or provide legal representation.

Complaints and Client Relations Section of the Law Society

The Complaints and Client Relations Section of the Regulation Department of the Law Society comprises a team of investigating solicitors, with their support staff, whose sole function is to investigate alleged complaints against solicitors. The majority of complaints are concluded by

this Section. Where they cannot be resolved or the investigation discloses serious matters, the complaint is referred to the Complaints and Client Relations Committee for direction.

Following an external audit of the Law Society's Complaints and Client Relations Section, they have been accredited ISO 9001:2008 continually for the last twelve years. This represents an independent validation of the complaint handling process and procedures of the Complaints Section.

Complaints and Client Relations Committee

Members of the Complaints and Client Relations Committee, of which there are three divisions, are charged with the consideration of allegations of overcharging and inadequate professional services, as well as allegations of misconduct that are referred from the Complaints and Client Relations Section. The Committee consists of solicitors and lay members who oversee the work of the Complaints and Client Relations Section of the Law Society. Lay members are persons who are not solicitors and their participation highlights the importance of customer care. It should also be noted that the solicitors who sit on this Committee do so voluntarily and, like the lay members, dedicate substantial time to their committee role.

Each division of the Committee has the same duties and responsibilities and generally meets every six weeks. In order to be quorate there must be a majority of lay members present at each meeting.

The solicitors who are under investigation are often requested to attend to answer questions on the complaint(s) before them. Clients who ask to attend may do so but are never in attendance at the same time as the solicitor, as the Committee does not operate in an adversarial manner.

Where the Complaints and Client Relations Committee find that a complaint of inadequate professional services or excessive fees is justified there are a range of sanctions which they may direct and/or apply depending on the circumstances. Such measures allow the Committee to:

- instruct a solicitor to reduce, waive or refund fees to their client;
- direct a solicitor to rectify any error, omission or deficiency in the services provided;
- direct a solicitor to take such other action in the interest of the client as the Committee may specify;
- issue a reprimand to a solicitor;
- require a solicitor to make a payment (not exceeding €3,000) as a contribution towards the costs of the investigation;
- require a solicitor to make a payment (not exceeding €3,000) for any financial or other loss suffered by the client in consequence of any such inadequacy in the legal services provided.

When dealing with complaints alleging misconduct, the Committee may either reject the complaint, impose a reprimand or direct that an application be made to the Solicitors Disciplinary Tribunal.

When the Complaints and Client Relations Section of the Law Society notify the decision of the Committee to a client and solicitor they advise the client that if they are dissatisfied with the decision they can refer the matter to the Independent Adjudicator for her examination. This adds credence to the decision-making process and affords an impartial examination of how the complaint was investigated by the Law Society. I believe this is a fair and reasoned approach - clients are openly advised of this right of referral to the Independent Adjudicator by the Law Society at the beginning of the process and again upon their decision being finalised.

The Complaints and Client Relations Section can refer a matter to the Complaints and Client Relations Committee almost from the outset of a complaint and the Committee can decide to uphold a complaint and impose a sanction. That would complete the Law Society's involvement however it may not resolve the matter for the client. Where appropriate, the focus is on resolution and consequently the Complaints and Client Relations Section may, in appropriate cases, monitor the progress of a matter for as long as necessary to ensure the client's business is satisfactorily concluded.

Applying to the Independent Adjudicator or to the Solicitors Disciplinary Tribunal

Apart from appealing a decision of the Law Society to the Independent Adjudicator, a client may choose instead to go directly to the Solicitors Disciplinary Tribunal. Indeed a client may go to the Independent Adjudicator and then apply to the Tribunal. However, a client may not go to the Solicitors Disciplinary Tribunal and then go to the Independent Adjudicator.

Financial Regulation Section

The Financial Regulation Section of the Regulation Department of the Law Society administers the Compensation Fund, which the Law Society is required to maintain in order to compensate clients for losses arising due to dishonesty on the part of solicitors or their employees. Claimants can make a claim from the Fund if they were the client of a solicitor who misappropriated money belonging to the client. The Registrar and Director of Regulation can deal with a claim up to €5,000. Thereafter it is the Regulation of Practice Committee which decides whether to pay the claim in full, pay part of the claim, refuse the claim, or postpone the decision to a later meeting because more information is needed. When the Law Society has made its decision it will write to the claimant. If the Law Society is going to pay only part of their claim, or if it is refusing the claim, it will tell the claimant why.

Regulation of Practice Committee

The Regulation of Practice Committee administers the Compensation Fund, which the Law Society is required to maintain in order to compensate clients for losses arising due to dishonesty on the part of solicitors or their employees.

It polices the profession's compliance with the Solicitors Accounts Regulations and with aspects of the Solicitors Acts not assigned to other regulatory committees. The Committee comprises of solicitors and lay members, however unlike the Complaints and Client Relations Committee there is no requirement for a lay majority.

The Solicitors Disciplinary Tribunal

The Solicitors Disciplinary Tribunal is a statutory body, constituted under the Solicitors (Amendment) Act 1960 as amended by the Solicitors (Amendment) Act 1994 and the Solicitors (Amendment) Act 2002. The Tribunal, like the Independent Adjudicator, is wholly independent of the Law Society of Ireland. The Tribunal comprises of twenty solicitor members and ten lay members, the latter being drawn from a wide variety of backgrounds. All Tribunal members are appointed by the President of the High Court.

The Independent Adjudicator

In addition to the information supplied in the preceding section, the Independent Adjudicator can only deal with a complaint about the Law Society's handling of a complaint against a solicitor and cannot investigate at first hand a complaint about a solicitor. These powers are set out in Statutory Instrument S.I. No. 406 of 1997. Regulation 7 therein states

“In administering the Scheme, the Adjudicator shall (subject to Regulation 9) be empowered:

- (a) to receive and to examine or investigate any complaint in writing made to him by or on behalf of a solicitor against the Society, concerning the handling by the Society of a related complaint about that solicitor made to the Society by or on behalf of that client”.

For further details please see the Remit of the Independent Adjudicator in section 1.

The Legal Services Regulation Bill 2011

The Legal Services Regulation Bill 2011, when enacted, will supersede the Office of the Independent Adjudicator of the Law Society. The Legal Services Regulation Bill proposes the following three key entities:

1. a new, independent, **Legal Services Regulatory Authority** with responsibility for regulating the provision of legal services by both solicitors and barristers;
2. an **Office of the Legal Costs Adjudicator** to assume the role of the existing Office of the Taxing-Master which will be conferred with enhanced transparency in its functions. The legal costs regime will be brought out into the open with better public awareness and entitlement to legal costs information; and
3. an **independent complaints structure** to deal with complaints about professional misconduct – and the independent **Legal Practitioners Disciplinary Tribunal**.

The Bill is available on <http://www.oireachtas.ie/documents/bills28/bills/2011/5811/document2.pdf>

Complaint and Compensation Fund Escalation Process Diagram

COMPLAINT ESCALATION PROCESS ONCE INITIATED TO THE LAW SOCIETY

(from top to bottom)

Complaints and Client Relations Section
Regulation Department
The Law Society

Complaints and Client
Relations Committee

Independent Adjudicator of the Law Society	Solicitors Disciplinary Tribunal
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The
High Court

COMPENSATION FUND CLAIM ESCALATION PROCESS ONCE INITIATED TO THE LAW SOCIETY

(from top to bottom)

Financial Regulation Section
Regulation Department
The Law Society

Regulation of Practice Committee

Independent Adjudicator of the
Law Society

Section 3

STATISTICS FROM COMPLAINTS AND CLIENT RELATIONS SECTION OF THE REGULATION DEPARTMENT OF THE LAW SOCIETY, 2014/2015

The Law Society's year was 1 September 2014 to 31 August 2015.

The total number of new complaints received was 1,461, of which 299 were deemed inadmissible, leaving a balance of 1,162 admissible complaints. 1,318 complaints were carried forward, making a total of 2,480 complaints handled by the Complaints section during the year.

A further 758 files were opened by the Complaints and Client Relations section, representing a mix of queries and requests for information from members of the public and from the profession, as well as records of direct applications made to the Solicitors Disciplinary Tribunal by members of the public.

181 of the admissible complaints made last year were made by solicitors against their colleagues, a large proportion of which were made by solicitors acting on behalf of financial institutions.

268 complaints, many of which were made against the same solicitors, were referred to the Complaints and Client Relations Committee.

At year end, the status of complaints investigated by the Law Society during the year was:

	Closed	Under Investigation	Pending before C&CRC*	Total
New complaints	663	452	47	1,162
Carried forward	777	435	106	1,318
Total	1,440	887	153	2,480

*Complaints and Client Relations Committee

The proceeding 13 pages set out the status of complaints dealt with by the Complaints and Client Relations Section as follows:

- Breakdown of complaints
- Excessive fees
- Inadequate professional services
- Misconduct
- Complaints and Client Relations Committee statistics
- Complaints status year end
- Completion of complaint cases
- Completion times of complaints handled by the Law Society
- Source of complaints
- Multiple complaints against solicitors
- Status of admissible complaints investigated during the year

Breakdown of complaints

	14/15	13/14	12/13
Admissible Complaints	1162	1526	2116
Inadmissible Complaints	299	390	361
Total	1461	1916	2477

Allegations of Excessive fees	78	128	84
Allegations of Inadequate Professional Services	302	291	314
Allegations of Misconduct	782	1107	1718
Total	1162	1526	2116

Excessive fees

Complaints alleging overcharging were broken down as follows:

	14/15	13/14	12/13
Conveyancing	6	13	4
Probate	12	24	14
Litigation	28	45	27
Matrimonial	14	21	21
Other	18	25	18
Total	78	128	84

Inadequate professional services

Complaints alleging inadequate professional services were broken down as follows:

	14/15	13/14	12/13
Delay	103	104	125
Failure to communicate	75	70	82
Shoddy Work	92	76	64
Other	32	41	43
Total	302	291	314

Misconduct

Complaints alleging misconduct were broken down as follows:

	14/15	13/14	12/13
Delay	2	9	11
Failure to communicate	30	36	58
Failure to hand over	103	125	99
Failure to account	65	84	104
Undertaking	475	703	1288
Conflict of interest	10	18	16
Dishonesty or Deception	4	7	8
Witnesses Expenses	6	3	1
Other	64	70	77
Advertising	1	7	22
Counsel's fees	22	45	34
Total	782	1107	1718

Complaints and Client Relations Committee statistics

	14/15	13/14	12/13
Number of meetings	19	22	20
	(+1 special +1 plenary)	(+1 special +1 plenary)	(+4 special +1 plenary)
Number of new matters referred	268	382	465
Number of complainants invited to attend	2	11	9
Costs levied	€27,200	€37,700	€34,850
Compensation orders	0	9	5
Reprimands	6	7	7
Referrals to Disciplinary Tribunal	64**	319	181

** There are a further 14 complaints about undertakings referred to the Solicitors' Disciplinary Tribunal subject to stay

The Committee utilised the powers contained in the Solicitors (Amendment) Act 2002 which allow it to consider multiple complaints against the same solicitor, in relation to 7 different solicitors (22 last year and 28 the year before), as follows:

Practising certificate issued without condition	1
Condition imposed on practising certificate (i.e., attendance at courses, undergo risk management audit, maintain register of complaints)	2
Condition imposed restricting solicitor to practice as assistant solicitor	2
Practising certificate withheld pending outcome of High Court proceedings	2
Total:	7

Complaints Status year end

	14/15	13/14	12/13
Case closed	1440	2155	2144
Under Investigation	887	1141	1718
Pending before Complaints and Client Relations Committee	153	177	261
Total	2480	3473	4123

Completion of complaint cases

	14/15
Complaints Resolved	356
No grounds for complaint but assistance provided	44
Withdrawn/Abandoned	58
Rejected	156
Recommendation made	5
Direction made	4
Other*	35
Referred to Solicitors Disciplinary Tribunal	5
Total	663

*These include areas such as matters referred to the Solicitors Disciplinary Tribunal, recommendations made by the Complaints and Client Relations Committee and complaint files opened inadvertently

Completion times of complaints handled by the Law Society

The average completion time for 2014/2015 complaints was 67.12 days

The average completion time for 2013/2014 complaints was 90.70 days

The average completion time for 2012/2013 complaints was 88.46 days

	14/15	13/14	12/13
Complaints Closed in less than 30 days	235=35.44%	311=32.57%	248=25.62%
Complaints Closed in less than 60 days	148=22.32%	174=18.22%	226=23.35%
Complaints Closed in less than 90 days	105=15.84%	110=11.52%	120=12.40%
Complaints closed in less than 180 days	126=19.00%	196=20.52%	231=23.86%
Other	49=7.39%	164=17.17%	143=14.77%
Total	663=100%	995=100%	968=100%

Source of complaints

	14/15	13/14	12/13
Complaints made by Solicitors	181	370	873
Complaints made by parties other than solicitors	981	1156	1243
Total	1162	1526	2116

**Multiple Complaints
(solicitors against whom more than x complaints has been made)**

	14/15	13/14	12/13
6 Complaints	7	8	16
7 Complaints	3	3	10
8 Complaints	6	2	6
9 Complaints	2	4	6
10 Complaints	3	3	3
11 Complaints	2	3	2
12 Complaints	-	-	1
13 Complaints	1	2	2
14 Complaints	2	3	-
15 Complaints	1	-	-
16 Complaints	-	-	1
17 Complaints	1	1	3
18 Complaints	-	2	-
20 Complaints	1	-	-
21 Complaints	1	-	1
22 Complaints	-	1	1
23 Complaints	-	1	1
24 Complaints	1	-	-
30 Complaints	-	-	1
37 Complaints	-	-	1
47 Complaints	-	1	-
63 Complaints	-	1	-

156 Complaints

-

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1

(See page 15 for the Complaints and Client Relations Committee's statistics that relate to multiple complaints)

Status of admissible complaints investigated during the year

	14/15	13/14	12/13
Case closed	663	957	968
Under Investigation	452	517	1016
Pending before Complaints and Client Relations Committee	47	52	132
Total	1162	1526	2116

Section 4

STATISTICS FROM THE FINANCIAL REGULATION SECTION OF THE REGULATION DEPARTMENT OF THE LAW SOCIETY

The Independent Adjudicator deals with complaints about any decision by the Law Society concerning an application for a grant from the Law Society's Compensation Fund. Grants are made to clients who have suffered a loss due to a solicitor's dishonesty. Grants are not made in respect of losses that have arisen due to a solicitor's negligence.

Compensation Fund statistics

The Financial Regulation Section's Compensation Fund statistics are advised below:

Calendar year 2014

467 claims received

€8,749,077 claimed

€3,252,331 paid

Calendar year 2013

299 claims received

€4,542,976 claimed

€2,652,576 paid

Calendar year 2012

266 claims received

€9,136,221 claimed

€2,744,986 paid

Compensation Fund developments in the six months to 30 June 2015

In the six months ended 30 June 2015, 140 claims were received. Excluding invalid claims refused, these claims amounted to €517,585. Payments were made in the sum of €10,368 in respect of claims and claims amounting to €507,217 are still under consideration.

The net assets of the fund are valued at €18 million as at 30 June 2015 (€17 million last year). The annual contribution to the fund was €760 per solicitor for 2013 (the same since 2013). Similar to recent years, insurance cover for €50 million in excess of €5 million is in place for the year ending 31 December 2015.

Regulation of Practice activities during the year

Similar to recent years, the Law Society's investigating accountants conducted approximately 400 investigations of practices this year. The Regulation of Practice Committee comprises of 4 divisions. During 2014 the Committee met 18 times, for 12 scheduled, 2 emergency and 4 special meetings.

Arising from these meetings the Committee decided to:

- Refer 9 (13 in 2013 and 10 in 2012) solicitors to the Solicitors Disciplinary Tribunal on foot of findings disclosed in the investigation reports on their practices;

- Refer 16 solicitors (9 in 2013 and 16 in 2012) to the Solicitors Disciplinary Tribunal for failure to file accountants' reports on time;
- Apply to the High Court for an order freezing the accounts of 2 solicitors (6 in 2013 and 6 in 2012) where dishonesty was discovered;
- Apply to the High Court to suspend the practising certificates of 2 solicitors (6 in 2013 and 3 in 2012);
- Levy contributions amounting to €34,000 towards the cost of investigations (€44,600 in 2013 and €99,600 in 2012);
- Apply to the High Court in 2 cases, pursuant to section 18 of the *Solicitors (Amendment) Act 2002*, for orders compelling the solicitors to cooperate with the Society's investigation process (2 cases in 2013);
- Appeal a decision of the Solicitors Disciplinary Tribunal to the High Court in relation to the sanction imposed by the Tribunal (1 case in 2013);
- Impose conditions on 3 solicitors' practising certificates (1 in 2013) where the solicitors had unsatisfied judgments;
- Impose conditions on two solicitors' practising certificates, where the certificates were already in force, arising from the investigation of their practice;
- Refuse an application for a practising certificate in respect of one solicitor (2 in 2013).

Trends worthy of note include that solicitors are still being referred to the Solicitors Disciplinary Tribunal on foot of findings disclosed in the investigation reports on their practices. There has been a reduction in the number of applications to the High Court to freeze the bank accounts of solicitors' practices, possibly due to the reduction in economic activity in solicitors' practices in recent years and generally greater compliance with the Solicitors Accounts Regulations. However, there was an increase in the number of solicitors referred for failure to file accountants' reports, mainly due to the failure to file closing accountants' reports. The Society receives continuing claims on its Compensation Fund for incomplete work by closed firms giving rise to fee disputes and complaints.

Within the remit of the Regulation of Practice Committee's responsibility rests the enforcement of the Solicitors (Advertising) Regulations 2002. I welcomed that this Committee set up a sub-committee under its watch to specifically deal with advertising regulations. I note that a lot of work has been done in this area, which is expected to continue, with a view to improving compliance levels and thereby ensuring a level playing field for the profession advertising their services.

The Solicitors Accounts Regulations 2014 (SI 516 of 2014) came into effect on 1 December 2014 consolidating the Solicitors Accounts Regulations 2001, Solicitors (Interest on Clients' Moneys) Regulations 2004, Solicitors Accounts (Amendment) Regulations 2005, Solicitors Accounts (Amendment) Regulations 2006, and Solicitors Accounts (Amendment) Regulations 2013. There are no fundamental changes to the effect of the previous regulations however this will be easier to navigate for solicitors, and other persons as required.

I welcome that the Regulation of Practice Committee meets quarterly in plenary session to consider strategic issues, including committee procedures and committee member training.

Section 5

BREAKDOWN OF MATTERS REFERRED TO THE INDEPENDENT ADJUDICATOR

This section of my Annual Report highlights the breakdown of cases examined by the Independent Adjudicator from 1 October 2014 to 30 September 2015. These matters, save where mentioned, all went through the Law Society's investigation process within the Regulation Department, by either the Complaints and Client Relations Section (complaints) or the Financial Regulation Section (Compensation Fund claims), and fall into the statistics or figures set out in sections 3 and 4 of this Report.

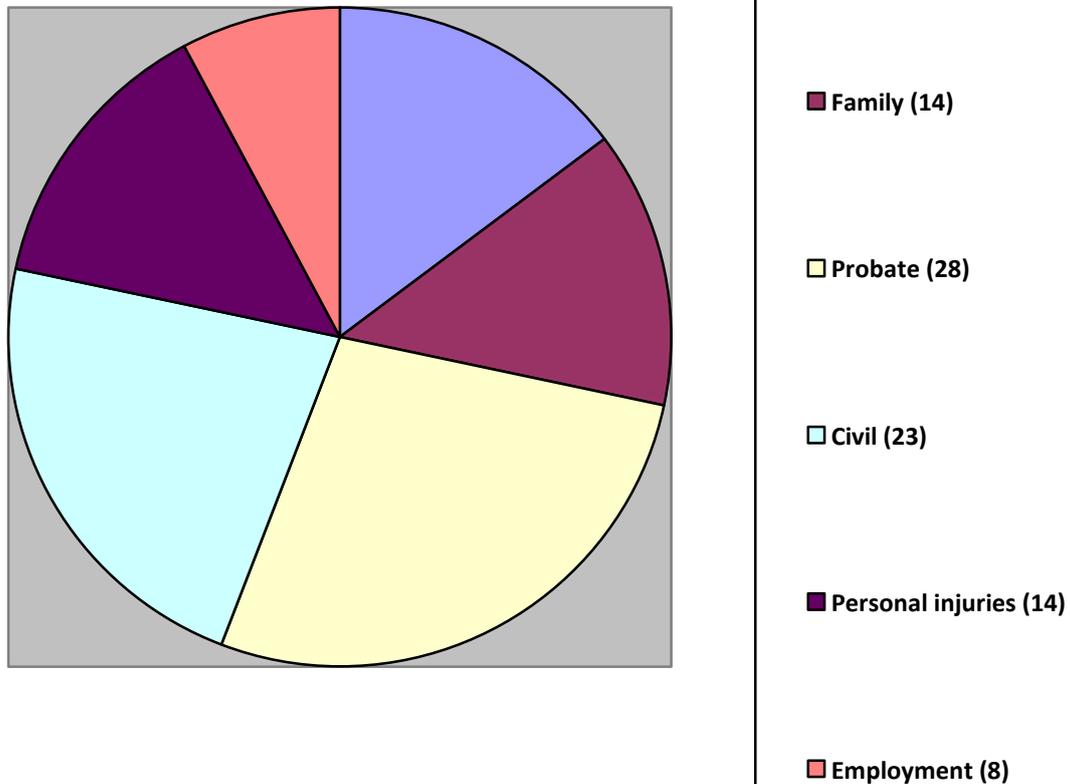
- **My Office received 169 formal new requests to examine matters compared to 164 last year and 136 the year before.** These are broken down as follows:
- **139 (122 last year and 132 the year before)** complaint referrals were examined and adjudicated, I believe the highest ever for my office;
- **25 (21 last year and 16 the year before)** Compensation Fund claim referrals were examined and adjudicated, again I believe the highest ever for my office. (These statistics do not fall within the Law Society's statistics mentioned in section 4 of this Annual Report.); and
- **5 (21 last year and 18 the year before)** complaint referrals were inadmissible for varying reasons such as the complaint was under ongoing investigation by the Law Society, the complaint was out of time, the complaint had not been referred to/investigated by the Law Society in the first instance, the complaint had been previously examined by the Independent Adjudicator, or the complaint had been referred to the Solicitors Disciplinary Tribunal. This year showed my lowest volume of inadmissible referrals for adjudication since taking office. (These statistics do not fall within the Law Society's statistics mentioned in section 3 of this Annual Report); and

Breakdown of complaint related matters

- Of the 139 complaints that were examined by the Independent Adjudicator, 10 had been before the Complaints and Client Relations Committee for direction (7 last year), one of which on two occasions.
- 12 of the 139 complaints examined by the Independent Adjudicator prompted correspondence from the Independent Adjudicator to the Complaints and Client Relations Section (21 last year).
- Of the 18 files referred back to the Complaints and Client Relations Section the matters centred around the following issues, some more than once and some concurrently with other matters:

- delay liaising and following-up with complainants and solicitors during the course of an investigation;
 - correspondence to a solicitor concluding a decision was missing off the file, so questioned if sent and if so that it should be on the file;
 - not advising a complainant of his or her right to refer their matter to the Independent Adjudicator;
 - the complaint initiated without a signed complaint form or letter;
 - I sought further clarification;
 - communication with a complainant about bringing a matter to the Complaints and Client Relations Committee;
 - the Law Society did not follow through to ensure the levy directed by the Complaints and Client Relations Committee was recouped before the file was closed;
 - my view that Section 68 of the Solicitors Acts should have been sought earlier in the investigation;
 - perceived delay in supplying findings to all parties after a meeting;
 - no record of telephone attendances with complainants on file;
 - the exact wording of a Complaints and Client Relations Committee's direction needed to concur in meaning when communicated to the complainant in writing;
 - content of a Law Society decision letter could have been clearer; and
 - some general handling administration, e.g., not copying attachments to the relevant parties or file mismanagement.
- 2 matters were referred back to the Complaints and Client Relations Committee at my request, the first ultimately resolved amicably, despite it being a long-standing complaint investigation matter, and the second that levied fees were paid;
 - My adjudications on the 139 complaint matters that I examined centred upon the following complaint disciplines:
 - Conveyancing **(33)** (18 last year; 36 previous year)
 - Civil **(39)** (43 last year; 29 previous year)
 - Probate **(32)** (26 last year; 25 previous year)
 - Family **(11)** (14 last year; 22 previous year)
 - Personal injuries **(10)** (11 last year; 14 previous year)
 - Employment **(5)** (6 last year; 6 previous year)
 - Criminal **(9)** (0 last year; 3 previous year)
 - See illustration on page 28 which exhibits these matters by the number of complaints received;

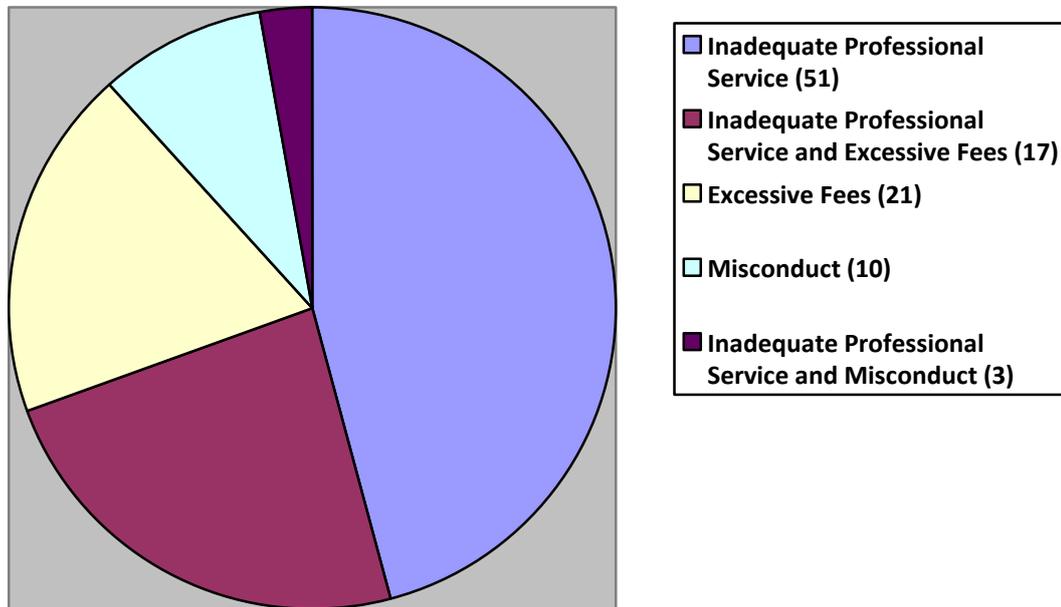
Breakdown on complaint matters which were referred to the Independent Adjudicator from 1 October 2014 to 30 September 2015



- All complaints adjudicated upon fell into one or a combination of these three categories:
- **Inadequate professional services** (Section 8 of the Solicitors (Amendment) Act 1994);
- **Excessive fees (overcharging)** (Section 9 of the Solicitors (Amendment) Act 1994); and
- **Misconduct** (Section 3 of the Solicitors (Amendment) Act 1960 as amended by Section 24 of the Solicitors (Amendment) Act 1994 and by Section 7 of the Solicitors (Amendment) Act 2002).

See page 29 for an illustrative breakdown of complaint categories this year (Compensation Fund claims are separate).

Breakdown on the grounds of complaints which were referred to the Independent Adjudicator from 1 October 2014 to 30 September 2015



- In addition to the 169 complaint matters adjudicated, 5 matters were ineligible/inadmissible for my examination of their contents for the following reasons:
 - matter was under ongoing investigation with the Law Society;
 - not advised whether complaints had been investigated by the Law Society;
 - matter was referred to the Solicitors Disciplinary Tribunal;
 - matter was out of time; and
 - the complaint initiated with my Office concurrent with the Law Society.
- The volume of enquiry calls to this office remain at a similar scale to that of previous years. The majority of calls related to complaint matters as opposed to Compensation Fund matters.
- Fewer leaflets on the Law Society's 'Complaints about Solicitors' brochures were dispatched by my Office this year probably because complainants are more seasoned on using technology.

Breakdown of Compensation Fund related matters

Compensation Fund claims occur where grants are made to persons who have suffered a loss due to a solicitor's dishonesty. Grants are not made in respect of losses that have arisen due to a solicitor's negligence.

- **25** Compensation Fund claim matters were referred to my Office for adjudication (21 last year; 23 year before); 19 had been decided by the Regulation of Practice Committee (18 last year; 14 year before) and 6 had been decided by the Registrar under delegated powers of the Regulation of Practice Committee (3 last year, 2 previous year).
- Of the 25 matters, 8 resulted in my correspondence to the Financial Regulation Section of the Regulation Department of the Law Society for the following reasons (1 last year and 4 the year before):
 - delays in the Financial Regulation Section's correspondence with claimants, and in two of the matters I asked for specific explanations why such delays occurred;
 - delays relating to matters on interest and penalties that are under discussion with Revenue. Whilst it is acknowledged that such decisions will be outside the Law Society's remit, I believed that the Financial Regulation Section could have been more communicative in keeping claimants better apprised of such related delays on their Compensation Fund Claims; and
 - having initiated my examination of a matter I realised that it was not completely closed by the Regulation of Practice Committee so, under my remit legally I could not continue through to an adjudication. I requested that the Regulation of Practice formally conclude the matter at its forthcoming meeting and then that the matter could be referred back to my Office as appropriate to do so at that time.
- 1 matter was referred back by me to the Regulation of Practice Committee as I believed the matter was not conclusively decided before it was referred, and forwarded, to my Office. This matter is ongoing.

Breakdown of reasons that inhibited the Independent Adjudicator examining files

Matters referred to my Office this year that were outside my remit to examine were:

- Files that were under ongoing investigation with the Law Society when submitted to the Independent Adjudicator for examination (which is a regular occurrence despite all literature advising that complaints and Compensation Fund Claims must be closed before being submitted to the Independent Adjudicator);
- Complainants who had been to the Solicitors' Disciplinary Tribunal are not permitted to refer their matter to the Independent Adjudicator;
- Out of time referrals to the Independent Adjudicator (3 year jurisdiction from the Law Society's decision date);
- A solicitor complaining about another solicitor;

In addition the following matters arose this year:

- Insufficient details provided by complainants/claimants can prolong the examination of matters. This could include not signing their referral correspondence to the Independent Adjudicator, not advising that the matter was under investigation with the Law Society or that their matter has been referred to the Solicitors Disciplinary Tribunal;
- Lack of differentiation between why a complainant/claimant is unhappy with their solicitor – the crux of their complaint to the Law Society – and the referral of their matter to my Office which is limited to an examination of the Law Society's handling of their specific complaints or Compensation Fund claims;
- Complainants/claimants can be offensive and personally threatening to the office of the Independent Adjudicator. Suffice this to say that I think there is merit in treating people the way one would like to be treated themselves; and
- Unreal expectations on the part of complainants/claimants who expect that the Independent Adjudicator is there to concur with them, award them compensation, etc., because I am a lay person is a regular occurrence. Being impartial is core to my role and it is fundamental to my position that I am neither an advocate nor an apologist for any party. This has been and is my philosophy since taking office.

Section 6

EXAMPLES OF ADJUDICATED COMPLAINTS AND COMPENSATION FUND CLAIM MATTERS

Complaint appeals to the Independent Adjudicator

Under Section 10(b) of the Solicitors (Adjudicator) Regulations, 1997 (S.I No. 406/1997) I can direct the Law Society to re-examine or re-investigate the related complaint made to the Society about a solicitor, where I am not satisfied that the Society has investigated the related complaint adequately. In this regard I set out below some complaint related matters:

Matter 1 – Civil matter

The elderly complainant in this matter had a product dispute with A. His subsequent interventions with his solicitor led him to initiate an inadequate professional services complaint including a complaint based on his 'no foal no fee' agreement he had with his solicitor. The solicitor believed that it was not a simple case and that there was insufficient evidence to win the case on the liability aspect. Following an investigation by the Law Society I held the following views:

- I agreed that whilst there was no evidence of inadequate professional service the complainant's letter indicated that his complaint "... arises from an agreement and Terms of Business signed on ..." which was a signed agreement referring to "no foal no fee". This therefore did not assume a singular inadequate professional services complaint which the Law Society assumed and raised a number of questions for me:
 - Why should the Law Society advise that if the complainant was unhappy with the bill (if this should have been issued in the first place for professional fees based on the no foal no fee agreement) he should be invited to initiate a separate excessive fees complaint to the Law Society should he deem it appropriate to do so;
 - I questioned the Law Society's correspondence with the complainant. I saw it there was one written agreement, and the proposed subsequent retainer of €10,000 plus VAT sent by email was not agreed or signed so therefore not in force.
- The complainant was not informed that his matter was not going to the Complaints and Client Relations Committee when he was told it was on a specific date. I encouraged that communications, when uncertain or subject to change, should be edited to reflect that the Law Society 'expects' the matter to go before the Committee on X date.
- I believed that there were numerous and unnecessary delays in the correspondence handling of this file adding that if there were resourcing issues I encouraged colleague engagement within the Law Society to assist in keeping matters flowing within reasonable timeframes. There were at least two instances on this file where the Law Society advised that they were involved in other matters as reasons for delay that I found inappropriate to communicate.
- The Law Society assumed that the complainant instructed a new solicitor which was not the case. I pointed out that care must be taken in making assumptions.

In summary, I requested that the Law Society re-consider its aggregate investigation of this complaint

and revert to me with its subsequent views. In doing so I thought it would be valuable to seek a colleague to independently review the file. The Law Society re-opened the complaint and believed that the consensus within the Complaints and Client Relations Section was that the Committee cannot compel a solicitor to continue acting for a client on a no foal no fee basis. The Law Society put the matter to the Complaints and Client Relations Committee in April and June 2015 from which it recommended to the complainant that in the event that the file was provided to the complainant, he would agree in writing to formally instruct his new solicitor to provide the appropriate undertaking to the solicitor with regard to his fees as soon as he/she has been instructed. This was to make it clear that the solicitor was entitled to payment of all party and party costs for the period up to the transfer of the file, to be taxed if not agreed. The Law Society concluded its decision on this basis with both parties. I believed that this was now a fair resolution to the decision in the matter and both the complainant and the solicitor were satisfied.

Matter 2 – Family matter

The complainant believed that the solicitor retained and withheld monies from her marital settlement without explanation or an itemised bill of account. She also complained handling delays by the solicitor. The Law Society investigated. The solicitor was terribly slow replying to the Society's correspondence, and it took months to receive a fulsome reply despite endeavours. The matter was before the Complaints and Client Relations Committee. The complainant attended, the solicitor did not, citing case work and travel.

The Committee directed the solicitor to make a contribution to the costs of the Society of €500 for his failure to respond and directed his attendance at a subsequent meeting of the Committee. This was not paid when the file was closed by the Law Society. I requested that the contribution be sought highlighting that such delays by the solicitor were dismissive of his regulatory body. As it is not for my Office to revert to the solicitor with views on the matter, I was pleased that my letter was sent to the solicitor by the Law Society so he could see the frustrations caused to the complainant, Law Society and I on his handling of this matter. The contribution was subsequently paid.

In essence I was satisfied with the Law Society's decision in this matter though it raised a number of questions that I posed to the Society. Firstly, telephone attendances must be minuted on file. The complainant noted that the Society's initiating correspondence must be in writing for data protection reasons and that they must fulfil this with all parties, with which I agree. Secondly, where a draft meeting minute is given to the complainant after the first Complaints and Client Relations Committee meeting, it was reasonable for her to expect similar after its second meeting. This raised a related query for me in terms of communication of decisions that are in draft until approved at the next committee meeting.

Matter 3 – Conveyancing matter

This contentious matter proves that two adversarial approaches will not resolve a matter. The complainant was vexed by her solicitor whom she believed delayed the sale of her property and who spoke disparagingly about her. The solicitor believed further due diligence was required before the sale could be completed much to the dissatisfaction of the complainant. The complaint with the Law Society arose when the complainant subsequently changed her solicitor and did not want to pay the former solicitor. My initial dissatisfaction with the decision was that the solicitor gave a fixed fee for his work in early course and I took the view that he could not deviate from this fee without agreement. The matter was before the Complaints and Client Relations Committee who believed that despite intimidatory correspondence on both sides, the solicitor did not provide an inadequate professional service or overcharge for his services. Whilst I engaged in correspondence with the Law

Society on this matter, I ultimately agreed with the decision.

This matter highlighted to me a number of handling matters that I also raised with the Law Society. The complaint investigation, despite being requested by the Law Society, commenced without signed authorisation from the complainant. I appreciated that time was important in this particular matter, however so was, and are, Law Society protocols and I advised as such.

I also cautioned care in communications on the telephone with parties. The Law Society advises that communications should be in writing in their initiating correspondence to commence an investigation however when verbal there should be a minute of such calls. The complainant believed that her last conversation with the Law Society was at variance with what was subsequently written to the solicitor when he asked for an explanation of this alleged communication. Whilst it is not for the Law Society to decide a binary answer on who said what, it is for the Law Society to ensure that they have a minute of all their calls with respective parties on file, which could for example be done by writing a letter paraphrasing the call's contents.

Compensation Fund appeals to the Independent Adjudicator

The Independent Adjudicator is equally permitted to request the Financial Regulation Section of the Law Society to consider comments on Compensation Fund claim referrals to her office and in this regard some sample matters are set out below:

Matter A – Correspondence wording and delays

This matter started in 2007 when the claimant, via his new solicitor, believed their client paid the solicitor money in relation to the stamping of documents and the registration of a mortgage with their bank to include stamp duty. Correspondence from the Law Society in 2008 was believed to be ambiguous and despite a passage of time, the matter resurrected itself labouring on the contents of this correspondence, namely that a payment of €600 plus VAT was due to the claimant from the Compensation Fund towards the completion of work. I believed that whilst the correspondence may have been nebulous it also needed to be reviewed in relative terms and against whether the claimant sustained a loss in respect of professional fees that are deemed to fall within the ambit of the Compensation Fund. The Law Society apologised for the perceived confusion caused and I have noted that correspondence is more transparent on such matters. I observed that care is taken in Law Society correspondence to ensure clarity. I also noted delays in the handling of this matter over the years, however not just from the Law Society but by the claimant's solicitor also.

Matter B – Compensation Fund Claim that highlights the level of Committee work

The claimant's solicitor wrote to the Law Society saying that his client believed his conveyancing work was done and the deeds were returned to the bank, which was not the case. I believed, as in all matters, that it is up to the claimant to prove his claim with supporting documentation. I concurred with the Law Society's decision however was not satisfied with the delays in handling this claim and wrote to the Law Society, advising the claimant accordingly. The claimant directly contacted me after my decision was communicated and berated me in an unsavoury manner, which can happen from time to time.

Matter C – Compensation Fund Claim that

The claimant alleged that he was defrauded by the solicitor in advices on his pension encashment and as a result lost a lot of money. I believed that the Law Society conducted good research and whilst I appreciated this takes time there were delays that I did not think were proportionate. I was satisfied with the Regulation of Practice Committee's decision and concurred that there was a lack of collaborating evidence. However, on the handling of the matter, I believed that there were many delays and that expectations could have been set at the early stage of this matter. I wrote to the Law Society to consider adjusting their initial correspondence with claimants, and where applicable claimants' solicitors, to manage expectations in early course. I am satisfied that such initial letters have been edited advising: "The authority to make grants from the Compensation Fund lies with the Law Society's Regulation of Practice Committee. The Committee meets nine times per year. Once sufficient information is at hand to put to the Committee, a report has to be prepared and then put on the agenda of one the Committee's meetings. This process can take a number of months." I believe that this now sets satisfactory stakeholder expectations which hopefully will continue for matters into the future.

Section 7

OBSERVATIONS ON COMMITTEE ATTENDANCES AND RANDOM REVIEWS

On two occasions throughout the year I attended the Regulation Department to randomly review files that had not been referred to my Office. This assists towards validating my own satisfaction that files are handled and managed correctly by the relevant sections of the Regulation Department of the Law Society. I randomly select a number of files from the listings of both the Complaints and Client Relations Section and Financial Regulation Section, and then the selected files are made available for my inspection in the Law Society to review.

I observed on each of the three divisions of the Complaints and Client Relations Committee twice, and an additional meeting that deals with multiple complaints. I also observed at the Regulation of Practice Committee three times throughout the year.

The following are my comments from my random reviews and observations related to Committees:

- I believe it is very disrespectful when solicitors submit information the evening before or on the morning of a committee meeting. Committee members allocate time to peruse papers in advance and reading additional papers on the day can have an adverse affect on diarised attendances before them. I have been, and remain, avidly in favour of costs being levied if Law Society administration costs are incurred because of such matters.
- Perhaps related to the last point, I noted that some solicitors representing solicitors can be tardy in responding to Law Society correspondence with responses delivered on the day or day before a meeting. I believe such representing solicitors should lead by example and seek their clients' responses in a timelier manner in order to make appropriate submissions to the Law Society for dissemination to the committee members in early course.
- If a solicitor is required to attend before a committee meeting, then they must attend even if represented by a solicitor or barrister. I suggested previously that perhaps the Law Society might consider imposing a levy if they do not attend. A requirement from one's regulatory body to attend a meeting is a requirement to attend, period.
- I made a point previously that Law Society's letters inviting solicitors to attend before a committee could be altered to say that a finding may be made with or without their attendance. This now happens.
- It is fair to say that some solicitors make great strides and others not in their preparation and attendances before committees, yet I believe few apologise for being there in the first place and the time and resources their matter takes.
- I am cognisant that clients can sometimes be slow giving instructions to their solicitor and then expect turnaround actions to be fulfilled.
- Where a committee directs a full a comprehensive response from a solicitor by a certain date, it must be that, fulsome and comprehensive, and unequivocally answer the questions or update accordingly as directed.

- I think it is worth noting that the legislation refers to a complaint about a solicitor and the Complaints and Client Relations Committee has no jurisdiction to deal with complaints against a firm.
- The Law Society continue to apply to the High Court for orders where applicable against solicitors, many such matters I have observed on. There are a few solicitors who feature regularly and who sometimes do not even have the good grace to attend: it is astonishing. I have also observed some repeated adjournments in the High Court, particularly relating to the same solicitors, which I believe can be frustrating.
- With regard to undertakings from financial institutions (which fall outside my remit due to being third party complainants, save for my observing committees' discussion and handling of such matters as a committee), I noted a substantial decrease in complaints relating to this.
- Solicitors are often unfamiliar with their own files when attending before a Committee and can, in fact, be complacent about their attendance at a Committee. This shows nobody up but themselves.
- I often ponder whether solicitors attending before a committee of their regulatory body understand that an Order directed by a committee must be complied with and that the Law Society and committee costs associated with such an Order must be discharged. Failure to do so leads to a risk of multiple complaints and referral to the Solicitors Disciplinary Tribunal.
- If trends continue with decreasing multiple complaints (numerous complaints against the same solicitor) it may not be necessary to have a full day's multiple complaints meeting solely for this purpose next year.
- I appreciate that chairmen introduce to all attendees the people/roles around the table on all occasions, and me as an observer when I am present.
- Where a complaint clearly discloses evidence of misconduct that should be a Solicitors Disciplinary Tribunal referral matter, it may still be important to try and resolve the complaint as much as possible for the benefit of the client before referring the matter to the Solicitors Disciplinary Tribunal. A premature referral to the Solicitors Disciplinary Tribunal may not be in the best interests of the complaint in hand. (At the time of writing I await receipt of the Solicitors' Disciplinary Tribunal 2014 Annual Report, which I expect will have enhanced numbers of referrals to it this year.)
- Levying costs at the end of a file is common so that a solicitor can first rectify or comply with the Committee's directions (as applicable) to resolve the matter as deemed appropriate. I think a question ought to arise as to whether a practising certificate should be issued in full while levies remain unpaid? I am cognisant that the Law Society may have difficulties in terms of its statutory powers in this regard and am aware the Law Society is examining this issue.
- Practices are inspected not only by investigating accountants but also by investigating solicitors as appropriate, and there continues to be, from my random reviews, a good correlation of data between various Law Society sections. This is crucial to ensure maximum efficiency of the Regulation Department. Also the files reviewed in my random reviews were consistent with my observations of committees and matters coming to my Office.

- For three consecutive years I have written that the Complaints and Client Relations Committee should be using a tablet device thus discarding the voluminous paper, secretariat resources, distribution costs, physical risk carrying such papers, etc. for perhaps 1000+ pages per person per meeting. I do not understand why this is not happening and note that the Regulation of Practice Committee, for example, are using this medium since 2013.
- With regard to Compensation Fund claims, I observed last year and again this year that claimants expect the Law Society to do lots of calculations and sort through their paperwork. I believe claimants should be obliged to make an orderly paper submission with reasonable calculations done. I understand that the Financial Regulation Section are looking to improve their claims procedures to include redrafting of the Compensation Fund Claim form and explanatory booklet to ensure more fulsome applications are received before an investigation commences. Such documentation could include balancing statements, bills of costs, etc. showing the intended use of the claimed funds.

Section 8

OBSERVATIONS ON COMPLAINTS AND COMPENSATION FUND CLAIMS TO THE INDEPENDENT ADJUDICATOR

This section expresses my observations on the Law Society's handling of complaints and Compensation Fund claims by the Complaints and Client Relations Section and Financial Regulation Section, followed by additional comments that apply to both Sections.

Observations on complaint handling

The Independent Adjudicator's comments on the Law Society's complaint handling statistics

The following are my views on the Complaints and Client Relations Section's statistics this year:

- New admissible complaints received by the Law Society dropped considerably again this year (1162 this year, 1526 last year, 2116 previous year);
- Of the new 1162 admissible complaints 475 related to undertakings leaving 687 for all other new complaints;
- Referrals from the Complaints and Client Relations Committee to the Solicitors Disciplinary Tribunal decreased considerably this year to 64 from 319 last year, of which 14 of the 64 were referred to the Tribunal subject to a stay;
- Complaints relating to misconduct are down considerably this year to 782 (from 1107 last year and 1718 the year before). As referrals to the Solicitors Disciplinary Tribunal are misconduct related this figure correlates to the point above. Also undertakings are included under misconduct;
- Complaints being referred to the Complaints and Client Relations Committee are down considerably again this year to 268, from 382 last year and 465 the year before;
- I noted that there were no compensation orders directed by the Complaints and Client Relations Committee unlike previous years (9 last year and 5 the previous year (this is where the Committee can direct the solicitor to pay up to €3,000 to a complainant));
- Average case completion times by the Complaints and Client Relations Section are down considerably to 67.12 days from 90.70 days last year, probably because there were less complaints and better efficiency within the Section;
- Complaints made by solicitors are down to less than half of last year's to 181, from 370 last year and 873 the year before;
- Multiple complaints are also down considerably which is good news for all stakeholders. Whilst still occurring I believe they are at their lowest for a long time.

Decrease in complaint numbers

As referenced above it is good to see that new admissible complaints received by the Law Society are down considerably to 1162 of which 475 relate to undertakings. This in turn could correlate the diminishing referral of matters to the Complaints and Client Relations Committee, with a 28% decrease in costs levied by the Committee this year, and the reduction of 63% on referrals to the Solicitors Disciplinary Tribunal.

Complaints relating to undertakings

As referenced above complaints about solicitors' undertakings are down very considerably and the bad publicity appears to have dissipated. [For ease of clarity, the Solicitors Disciplinary Tribunal in its 2011 Annual Report (page 8) set out a clear explanation of an undertaking namely "*Both colleagues and banks rely on the integrity of solicitors when accepting undertakings. A solicitor's undertaking is his bond, and must be regarded in that light. There are no exceptions to that rule. Likewise, a failure to reply to a bank's correspondence in relation to an undertaking is unacceptable*". Some time on, this is still my preferred definition of an undertaking.]

Section 68 of the Solicitors (Amendment) Act 1994

Some solicitors can still be non-compliant with their obligations under Section 68 of the Solicitors (Amendment) Act 1994. The Law Society in many cases addresses non-compliance of Section 68 obligations by proposing that the solicitor concerned discount a portion of the fees payable. [A Section 68 letter obliges every solicitor, at the inception of taking instructions, to outline to a client in writing (a) the actual charges they propose to charge or where that is not possible, (b) an estimate of the charges or where that is not possible, (c) the basis upon which the charges are to be made.]

It should also be noted that where a solicitor provides additional services to that originally instructed and for which their fees notification complied with the Solicitors Acts, they will be required to further submit written notification to their client in accordance with Section 68 of the Solicitors (Amendment) Act 1994 for this additional or separate work. Further, I am aware that the Complaints and Client Relations Committee has held that where a solicitor quotes a fee and does not subsequently revert to the client to advise that their fee will increase, the solicitor is bound by the original quotation.

I was delighted to see compelling practice note issued by the Guidance and Ethics Committee on "The dos and don'ts of section 68 – re-visited" in the Gazette (January/February 2015, p.48-49).

Where a solicitor is in breach of Section 68(1) of the Solicitors (Amendment) Act 1994 the sanction may be the imposition of a reprimand or referral to the Solicitors Disciplinary Tribunal, or in appropriate cases a reduction of the fee. Despite what complainants might think though a solicitor is entitled to be paid for work done.

Recovery of costs from solicitors

I note costs levied by the Complaints and Client Relations Committee decreased from €37,700 last year to €27,200 this year. Whilst I appreciate this may be correlated to both reduced complaints and committee sittings, I was interested to know how much of all levied monies had actually been collected and sought this information from the Law Society. It appears that most is paid with some not, for reasons of referral to the Solicitors Disciplinary Tribunal, suspension, bankruptcy, etc. As can be seen in an exemplified case in section 6 above, I wrote to the Law Society once during the year to recoup costs levied where a solicitor did not reply to Law Society correspondence repeatedly.

Suffice it to say, I have unwavering scant regard for solicitors who unduly delay their response to their professional body's correspondence. Why should compliant solicitors pay [indirectly] for their colleagues' recusant neglect of Law Society correspondence? The costs include the investigating legal executive summarising the matter, the administration time, inviting the solicitor to attend a meeting, members of the Committee reading the papers, photocopying, secretarial support, etc. It should be clarified that I am referring to the costs that are incurred by the Law Society when it is forced to refer the matter to a Committee because the solicitor has not replied.

I noted within the Regulation of Practice Committee's annual report that actual recoveries from defaulting solicitors increased by €1,182,615 this year (within the Law Society's Annual Report).

Referrals to the Solicitors' Disciplinary Tribunal

As set out in the statistics and at the beginning of this section of my annual report, referrals by the Complaints and Client Relations Committee to the Solicitors Disciplinary Tribunal are down very considerably to 64 this year from 319 last year.

I am satisfied that the backlog of referrals to the Solicitors Disciplinary Tribunal has now dissipated. The normal procedure is that all matters referred to the Solicitors Disciplinary Tribunal are lodged within a three month timeframe, and may in fact be quicker depending on the matter. I believe a client (singular, plural or a body) who has gone through a process with one section of the Law Society, namely the Complaints and Client Relations Section, should have a seamless and equally time-consistent process moving to a subsequent section or to the outsourcing facility. For the Complaints and Client Relations Committee (made up of solicitors and lay members) to perceive that a referral to the Solicitors Disciplinary Tribunal is required should be taken to be a prima facie request for a prompt referral of the solicitor in question within three months in all cases without exception.

Solicitor Disciplinary Tribunal sittings

Related to the point above, the increase in the number of referrals to the Solicitors Disciplinary Tribunal, and the rate at which they are being lodged, means that the Tribunal itself is under pressure and the backlog has moved from the Law Society to the Tribunal. At the time of writing the Tribunal's 2014 Annual Report is not available for me to comment further on this matter.

Advertising misconduct related complaints

Advertising is enforced by a dedicated division of the Regulation of Practice Committee aiming at improving compliance levels and so ensure a level playing field for solicitors who advertise their services. I noted that the Chairman of the Regulation of Practice Committee said in the Law Society's Annual Report that significant developments are anticipated in the coming year in this area. It should be added that the Law Society highlighted its top 10 items for its annual year report 2014/2015 placing special focus at number 6 on raising awareness in the profession about the Solicitors (Advertising) Regulations 2002.

Additional comments relating to complaint handling

- The Law Society, and by default the Office of the Independent Adjudicator, is accepted to fall within the schedule of regulated bodies within the Ombudsman (Amendment) Act 2012. For the first time, the Ombudsman sought a file (to include contemporaneous notes) to review from my Office in September 2015 that had been investigated by the Law Society and examined by me and did not uphold the complaint. There was much consideration and correspondence about this remit and my role continues as it currently stands with a complainant having the option after

my Office to refer their matter to the Ombudsman. I expect that this will bring additional workload for my Office into the forthcoming year.

- Probate-related complaints are voluminous for both the Law Society and my Office, as can be seen in sections 3 and 5. I think it is worth stating that regardless if there is a charging clause in a will, an executor who witnesses the will is precluded from charging fees, as that is contrary to the terms of Section 82 of the Succession Act 1965.
- The Law Society also has a document on its website called 'Administration of Estates' explaining probate which is a valuable read for complainants. Under the Succession Act 1965 and Related Legislation: A Commentary, Fourth Edition, Brian E. Spierin, Bloomsbury Professional, 2011, the author writes at page 271:

"A charging clause is treated as a conditional legacy and is so subject to the ordinary rules relating to gifts by will, including the rule that an attesting witness may not take a gift under the will. If a solicitor, his or her spouse, civil partner, or a partner of his or her firm attests a will, he or she is not, therefore permitted to receive payment for his or services under the charging clause. He or she is entitled to receive only his out-of-pocket expenses."

This is interesting to me, as a solicitor in a matter I examined this year got embroiled in probate administration and could not charge a professional fee.
- In a probate matter, notwithstanding that there are fees owing to a solicitor's office a solicitor is not entitled to exercise a lien over an original will pending receipt of outstanding costs or an undertaking either from a former client's solicitors to pay same. If a client wants a will sent to a new solicitor the Law Society usually recommends that the solicitor should transmit the original will to them without delay.
- I was happy to observe at a Complaints and Client Relations Committee meeting where papers sent that morning were not accepted and the matter was postponed to the next meeting. The solicitor did not adhere to the timeframe given at the previous meeting to send her submission and to do so on the day of the meeting was contempt for the procedures of the Committee, let alone the Committee themselves. I was satisfied with this yet it elongated the matter for the complainant which was the regrettable knock-on effect.
- Where a solicitor is required to attend before the Complaints and Client Relations Committee the Law Society usually informs solicitors that late applications for adjournments will only be granted in exceptional circumstances. If an application is sought on medical grounds, a medical report (not a medical certificate) will be required. With regard to costs, they advise that if the Committee is obliged to adjourn a matter because of the failure of a solicitor without reasonable cause to respond appropriately and in a timely manner, for example if a solicitor submits documentation on the eve of a meeting, the Committee may direct the solicitor to contribute to the costs thereby incurred, up to a maximum of €3,000. Both of these notifications appease me.
- The Law Society does not investigate complaints received by email unless an original signed complaint is submitted. The Independent Adjudicator does not examine matters received by email. Procedures must be followed as the Law Society's files are subject to my examination, and my files are subject to the Ombudsman's review.
- Complainants often complain to my Office that the Law Society did not respond to their correspondence once a decision has been reached. I find that the Law Society make their decision and engage in clarification correspondence however do not further investigate, unless

further substantial supplemental documentary evidence is submitted. Again, as expressed above, it is up to a complainant to ensure that they submit their complaint conclusively to the Law Society at the outset.

- Allegations of negligence is an issue of law reserved for the courts; the Law Society is not allowed to investigate such complaints. Complainants should speak with an independent solicitor with regard to legal options available to them. The Law Society maintains a list of solicitors who are prepared to take negligence and breach of contract actions against colleagues. These details can be found on the Law Society's website under 'Making a complaint'.
- The Complaints and Client Relations Section does not deal with negligence however a scheme of limited compensation for clients was introduced under Section 8 of the Solicitors (Amendment) Act 1994 as amended by Section 39 of the Civil Law (Miscellaneous Provisions) Act 2008, which allows the Law Society to direct a solicitor to pay compensation to a client (up to a limit of €3,000) for "any financial or other loss suffered by the client in consequence of any such inadequacy in the legal services provided". I note that the Legal Services Regulation Bill 2011 does not contain any provision which would allow the award of even limited compensation, but this may change. Negligence matters continue to be referred to my Office for examination however they are also outside my remit.
- The Law Society usually cannot deal with a complaint against a solicitor who is acting for a third party unless the complaint is endorsed by a complainant's solicitor or there is clear prima facie evidence of fraud or illegality.
- Where a complainant writes that they hope to receive compensation they should note that the Law Society has very limited jurisdiction to compensate clients where the professional service received from a solicitor was inadequate. The maximum amount of compensation that the Society could award in those circumstances is €3,000. If it is the complainant's view that they are entitled to compensation as a result of the way in which a solicitor handled their matter they should seek independent legal advice.
- Once a transaction has completed, along with any undertakings and all costs discharged, the file belongs to the client and should be given to them on request.
- Where a complainant initiates a complaint to which the solicitor responds, and the complainant is delayed commenting on his response, the Law Society will wait a reasonable timeframe, however in fairness to the solicitor it can point out to the claimant that they cannot hold the file open indefinitely. Any solicitor against whom a complaint is made is entitled to have the matter dealt with expeditiously, especially if many months have lapsed.
- Proceedings cannot be issued for the recovery of costs under the terms of legislation until the Law Society's investigation of a complaint of excessive fees has been concluded. The complainant cannot be compelled to have the bills taxed. Further, the Complaints and Client Relations Committee consists of majority lay members and is not designed to carry out the functions of the Taxing Master or to anyway replace his/her role.
- The Law Society whilst having a statutory obligation to try and resolve complaints if at all possible may suggest that the complainant might give consideration to whether or not their matter would benefit from being referred to some form of mediation.

- Where a client has made a complaint solely of excessive fees there is a statutory provision whereby a solicitor cannot issue proceedings until the Law Society has concluded its investigation. If a complainant complains about service as well as fees, the Law Society may not be in a position to investigate their matter. However once proceedings have concluded and if there are issues that a complainant may then wish to raise with the Law Society which were not dealt with by the Court, they can contact the Law Society at that time.
- I like to see the Law Society telling complainants that the Solicitors Acts impose an obligation to seek to resolve complaints about inadequate professional service and excessive fees before considering the imposition of a sanction. In pursuance of that obligation, they often write to ascertain what a complainant would consider to be a satisfactory resolution of their complaint so they can put their proposals to the solicitor which if agreed the matter will be resolved. They also advise that if resolution cannot be reached the papers will be referred to the Complaints and Client Relations Committee for their determination and if the complaint is upheld the imposition or sanction will be directed. The Law Society often equally ask a solicitor if he or she has any proposals to make and if so the Law Society would be happy to convey them to the complainant. I believe this is a fair and transparent process.
- It can arise that a client will instruct a new solicitor during an investigation. If a complainant wishes to change solicitor during a complaint investigation they are obviously perfectly at liberty to do so. If their complaint is upheld, the Law Society's Complaints and Client Relations Committee would then have the discretion to direct the solicitor to waive some or all of his fees for the work carried out to date. If their complaint is rejected, that would be the end of the Law Society's involvement. This means that if their complaint is rejected and there are fees due to the solicitor, these fees would have to be discharged before the file was handed over to a new solicitor. Alternatively, the solicitor might be prepared to accept an undertaking from their new solicitor that he or she would discharge the costs out of any damages recovered on their behalf. However it is important they understand that the solicitor does not have to accept such an undertaking, at law he would be entitled to hold on the file until his fees were discharged.
- For the first time I requisitioned two files this year that were missing within the Law Society however I was supplied with reconstructed files that appeared to me that have everything within it as post was scanned to the files, etc. This matter did not require follow-up from me and I was satisfied with the contingency planning and action taken by the Society.

Observations on the Law Society's Compensation Fund Claims

The Independent Adjudicator's comments on the Law Society's Compensation Fund Claim statistics

The following are my views on the Financial Regulation Section's statistics this year:

- Key points to note are that there are:
 - more claims on the Compensation Fund in 2014 compared with 2013, showing a high 56% increase.
 - less referrals (9) of solicitors to the Solicitors Disciplinary Tribunal on foot of findings disclosed in the investigation reports on their practices;

- more referrals (16) of solicitors to the Solicitors Disciplinary Tribunal for failure to file accountants' reports on time;
 - less applications to the High Court for an order freezing the accounts of solicitors where dishonesty was discovered;
 - less levy contributions of €34,000 towards the cost of investigations (€44,600 in 2013 and €99,600 in 2012);
 - more Compensation Fund Claims were examined and adjudicated upon by me, 25 this year (21 last year and 16 the year before). (These statistics do not fall within the Law Society's statistics mentioned in section 4 of this Annual Report.)
- Whilst the volume of claims are up substantially to 56%, I believe that there are concurrently more small claims for refunds of fees and outlays which are often time consuming to investigate. I also observed that some claimants, or their solicitors, can be parsimonious in preparing the paperwork submitted to the Law Society thus taking more time for the Law Society to investigate. I note that Financial Regulation now requires fulsome applications to be submitted before an investigation will commence. In addition, many such claims are negligence matters that are not covered by the Compensation Fund yet they take considerable time processing and dealing with follow up correspondence.

Comment on the Financial Status of the Compensation Fund

The Chairman of the Regulation of Practice Committee, Chris Callan, commented on the financial status of the Compensation Fund in the Law Society's Annual Report: "The income and expenditure account of the Compensation Fund reflects a surplus (representing an excess of income over expenditure after taxation) of €1,892,445 for the year ended 31 December 2014. This compares with a deficit of €360,440 for the year ended 31 December 2013. The increase of €2,252,885 in the surplus for 2014 compared with 2013 is attributable to an increase in income of €2,937,572 in 2014 an increase in expenditure of €683,567 compared with 2013 together with an increase in taxation amounting to €1,120." I believe it is welcoming to see such a healthy increase in income for the profession, especially after it incurred a sustained period.

Nature of Compensation Fund claims

I have observed that the nature of Compensation Fund claims received over the last number of years has changed considerably from high media profile Compensation Fund claims in the past. Claims now seem to be more in relation to fees paid and the extent to which the Compensation Fund is liable to pay those claims is not always clear. In many cases, it appears, claimants are finding that work has not been completed and they are looking for refunds of all fees paid to the solicitor concerned, without any allowance whatsoever for the work completed by the solicitor. I have also noticed generally that claims, at least from those adjudicated in my Office, are often for smaller monies despite more voluminous than before. I have examined a number of Compensation Fund Claims matters this year that were refused based on consequential loss which is not the responsibility of the Law Society.

Regulation of Practice Committee's Remit

The Regulation of Practice Committee administers the Compensation Fund, which the Law Society is required to maintain in order to compensate clients for losses arising due to dishonesty on the part of solicitors or their employees. I am often asked about dishonesty and think it is important to be transparent that grants from the Compensation Fund are made in relation to losses that were sustained "in consequence of dishonesty" on the part of a solicitor. As such, in considering claims, the Law Society's Regulation of Practice Committee is concerned only with acts or omissions that

constitute dishonesty. The Compensation Fund is governed by Section 21 of the Solicitors Act 1960, as substituted by Section 29 of the Solicitors (Amendment) Act 1994, and amended by Section 16 of the Solicitors (Amendment) Act 2002, which provides that grants are made in respect of losses sustained “in consequence of dishonesty” on the part of a solicitor.

The Regulation of Practice Committee also polices the profession’s compliance with the Solicitors Accounts Regulations and with aspects of the Solicitors Acts not assigned to other regulatory committees. Examination of this latter obligation falls outside the remit of my Office.

Administrative handling delays

I wrote to the Law Society on a number of occasions during the year about administrative handling delays in investigating Compensation Fund Claims. I encourage communication with claimants and/or their solicitors if delays are likely to occur on an investigation. In recent times I specifically wrote that I would like the Law Society to alter their initiating correspondence with claimants, and/or their solicitors, to ensure that expectations are set in terms of how long a matter might take, which now duly happens.

Additional comments relating to Compensation Fund Claims

- I am aware that delays in revenue engagement with the Law Society has had some knock-on effects to the administration of Compensation Fund Claims. Hopefully such engagements will conclude in the near future so matters can progress definitively.
- I read in the Registrar of Solicitors and Director of Regulation’s practice note that the number of claims on the Compensation Fund rose by 56% in 2014 compared with 2013. The volume of claims is continually a strain on the profession and Mr Elliot commented that he expects solicitors, when acting for claimants, to ensure claim forms are completed properly and comprehensively with supporting documentation under their watch. I was delighted to read this as I regularly examine files where the Law Society has to revert to seek additional supporting documentation. In my added opinion a claim, to be a valid claim, must prove tangibly what was allegedly lost by way of dishonesty of their solicitor. In my Annual Report, I commented that I had observed matters where the claimants, or their solicitors, would expect the Law Society to do the calculations of an application. I am therefore pleased to know that the Regulation of Practice Committee has directed the claims administrator to return to solicitors any claim forms that are incomplete or lack sufficient documentation to prove their claim with effect from 1 October 2015 (Gazette, August/September 2015, p.48). Such documentation could include balancing statements, bills of costs, etc. showing the intended use of the claimed funds.
- If a potential claimant is looking for advice as to what steps they should take to claim compensation they should consult with an independent solicitor. Where a solicitor is deceased, they should note that claims for compensation are subject to time limits and run off cover and do not last indefinitely. If they wish to obtain details of a solicitor’s professional indemnity insurance they should contact the Practice Registration Section in the Law Society.
- I think it is worth noting that the figure of €600 plus VAT that the Law Society can award for a solicitor completing a Compensation Fund Claim matter is a benchmark fee used by the Law Society’s Regulation of Practice Committee in determining reimbursement of professional fees in matters where a client’s deeds have to be stamped, the title registered, and the title certified for the lenders. The Committee will make such a grant where it is established that a claimant sustained a loss due to dishonesty on the part of a solicitor, and that the claimant sustained a loss by putting the solicitor in funds to discharge professional fees.

- Also, it is worth noting that lack of documentary evidence alleging a complaint cannot be investigated, similar to claims made on the Compensation Fund. It is up to the submitting party to ensure that they support their complaint or claim comprehensively.
- The Regulation of Practice upsized to four divisions during the year, which stands to reason given their increased volumes of work and income streams.
- Claimants on the Compensation Fund must answer Law Society questions posed in order to process a claim investigation. It is worth reiterating that the Law Society does not pay penalties and interest due on any claim.
- Relating to Interest, I think it is also worth clarifying that pursuant to the Solicitors Accounts Regulations 2014, a solicitor shall “in respect of client monies which are received by him or her or his or her firm for or an account of a client hold such client monies in a client account which is a deposit account and shall account to the client for interest thereon while so held”. Similarly, for clarification, a deposit account is defined in the Act as “a deposit account or a savings account or a deposit receipt account maintained in the name of a solicitor or his or her firm at a bank and designated as a client account of that solicitor or his or her firm”.

General comments/observations

- During the year I welcomed seeing the practice note in the Gazette issued by the Guidance and Ethics Committee on the ‘Top ten tips to overcome problem colleagues’ (March 2015, p.53).
- The Law Society must ensure that telephone calls with solicitors, as well as complainants, are copied to the respective files, especially in light of the Law Society’s opening correspondence with both parties referencing data protection and that their files are subject to my adjudication.
- The interest on client monies obliges a solicitor to account for any interest that has accrued on monies in excess of €100. If only a nominal amount of interest accrued on the funds while they were in a solicitor’s account further accounting is not necessary.
- I have observed many committees during the year where the lay members, and often solicitors, are all male. I believe gender diversity should be on all committees, especially as set out in the Law Society’s Annual Report 2015, female solicitors in Ireland now outnumber male solicitors in practice, a first for any legal profession in the world!
- It is important for complainants to remember the Law Society’s function in addressing complaints of professional misconduct; it is not a court and cannot make the type of orders some complainants expect.
- Differences of opinion arise frequently between a solicitor and their client. The Law Society cannot reconcile two different versions of events when facts differ between the complainant and the solicitor. I also observed that complainants can sometimes be economical with the truth and facts in their complaint to the Law Society.

- Sometimes complainants and claimants expect the Law Society to go beyond their remit. The Solicitors Acts do not extend to a detailed forensic examination of the type that may be required in order to deal with various individual queries raised in correspondence. The Law Society's emphasis is on resolving disputes where appropriate.
- I think it is worth pointing out, for all parties, reappraisal of what a client can expect from a solicitor as:
 - every client is entitled to receive a prompt and efficient professional service from his solicitor and can make a complaint to the Law Society if he feels he has not received the appropriate level of service;
 - a client is entitled to be informed that the solicitor dealing with the file is unable to continue to provide such service and who in the office will be dealing with the file, either on a temporary or permanent basis;
 - the client is also entitled to be told the reason for such delays if there are any significant delays.
- I welcome that the Law Society is raising awareness of cybercrime and the risk to client moneys. An article appeared in the Gazette in May 2015 (p.32) and a practice note was published in the Gazette in June 2015 (p.53) informing the profession of their responsibilities with regard to any deficit arising in client moneys held by a practice where the practice is a victim of cybercrime. This falls under the watch of the Regulation of Practice Committee lead.
- A practice note (also in the June Gazette, p.53) was issued to remind the profession of the importance of maintaining up-to-date books of account at all times, from both a regulatory and practical perspective. This was also reiterated by the chairman of the Regulation of Practice Committee in the Law Society's Annual Report.
- There are increasing numbers of solicitors being adjudicated bankrupt, having unsatisfied judgements, and participating in debt arrangements. Bankrupt solicitors are automatically suspended, but may apply to the society to have the suspension lifted. Cases of unsatisfied judgements and debt arrangements are decided by the Regulation of Practice Committee on a case-by-case basis. Conversely, I noticed a substantial increase in monies recovered from solicitors by the Law Society this year.

Section 7

EXECUTIVE SUMMARY

Since taking office, and I believe since the Office of the Independent Adjudicator was formed, this year saw the highest volume of complaints and Compensation Fund Claims that were admissible referrals. I adjudicated on 139 complaints and 25 Compensation Fund Claims. By comparison, I adjudicated on 122 complaints last year and 132 the previous year; and on 21 Compensation Fund Claims last year and 16 the year before.

New admissible complaints received by the Law Society's Complaints and Client Relations Section dropped considerably this year to 1162 (1526 last year and 2116 previous year). The influx in complaints in recent years has been predominately related to undertakings. Of the new 1162 admissible complaints 475 related to undertakings leaving 687 for all other new complaints.

This in turn could correlate the diminishing referral of matters to the Complaints and Client Relations Committee, with a 28% decrease in costs levied by the Committee this year, and the reduction of 63% on referrals to the Solicitors Disciplinary Tribunal. Referrals from the Complaints and Client Relations Committee to the Solicitors Disciplinary Tribunal decreased considerably this year to 64 of which 14 are subject to a stay (last year there were 319 of which 51 were subject to a stay of varying lengths; and the previous year 354 were referred, of which 173 were subject to a stay). In my opinion, this could also be good demonstrating not just reducing complaints, but also more resolution of complaints to 356 this year (422 last year and 501 the previous year), which pro rata on aggregate complaints is good. I believe that reducing referrals will also assist the volume of referrals with the Solicitors Disciplinary Tribunal.

Compensation Fund Claims dealt with by the Law Society's Financial Regulation Section increased by 56% this year with 467 claims received this year (299 last year and 266 the previous year).

Despite the reduced number of new complaints made to the Law Society, it is interesting that the volume of referrals to my Office has increased, also for the examination of Compensation Fund Claims yet more claims have been received. It should however be noted that complainants and claimants have 3 years to refer their matter to my office.

The Law Society, and by default the Office of the Independent Adjudicator, is accepted to fall within the schedule of regulated bodies within the Ombudsman (Amendment) Act 2012. For the first time, the Ombudsman sought a file (to include contemporaneous notes) to review from my Office in September 2015 that had been investigated by the Law Society and examined by me and did not uphold the complaint. There was much consideration and correspondence about this remit and my role continues as it currently stands with a complainant having the option after my Office to refer their matter to the Ombudsman. I expect that this will bring additional workload for my Office into the forthcoming year.

In conclusion, I remain as committed as ever to the statutory office I hold as the Independent Adjudicator of the Law Society.

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