

# Media Release

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## Complaints about Victorian lawyers down by 22% under the Uniform Law

New figures released by the Victorian legal regulator show the number of people making complaints about their lawyers has decreased by 22% since the commencement of the Legal Profession Uniform Law last July.

An analysis of complaints data conducted by the Victorian Legal Services Commissioner showed in the first nine months under the Uniform Law 928 complaints were made about Victorian solicitors and 41 were made against barristers (969 total), compared to 1,169 solicitor and 78 barristers complaints (1,247 total) made across a similar timeframe under the previous legislation.

The Commissioner, Michael McGarvie, said this change was largely due to the way his office urged clients and lawyers to take a more active role in resolving their problems before seeking the assistance of the regulator.

'We know from years of experience, including from other areas of dispute resolution, that many problems can be resolved quickly if communication lines between the client and the lawyer remain open. In Victoria complaint numbers have steadily declined over the past six years since we introduced our assisted resolution processes,' Mr McGarvie said.

'The Uniform Law now formalises this by encouraging people to try sort out their problems before taking it further. It does this by requiring either the client or the lawyer to make a reasonable effort to settle their differences before we can accept a dispute about legal costs or about the quality of legal services, which are the most prominent issues raised in complaints'.

Mr McGarvie said the increased focus on managing initial contacts from the public and the efforts to assist people on how to resolve problems before they escalate assists clients to ask more questions, and gives the lawyer the opportunity to better explain their position.

'This revives the dialogue between the two parties which, in many cases had broken down earlier in the relationship. It saves time, money and stress, and leaves both the client and the lawyer far better off,' Mr McGarvie said.

Mr McGarvie said that the ratios of complaints had not changed significantly; complaints about solicitors still made up approximately 95% of all complaints because of their higher level of contact with the public, and the issues raised in complaints remained fairly similar to the long-term averages.

The Uniform Law also introduced a new power for the Commissioner which is having the unexpected effect of prompting disputing parties to amicably resolve their differences, even after a formal complaint has been lodged.

'If I am presented with a costs dispute of less than \$10,000 and neither side will budge, I now have the ability to make a binding determination on what is fair and reasonable in the circumstances,' Mr McGarvie said.

'Previously these matters would have been referred to VCAT for a formal decision, which required an additional step and further costs for the parties.

'I am finding it is not unusual for a dispute to be settled after I flag what my determination is likely to be. It is often the last little nudge that the parties need to start talking and agree to a settlement before I make that decision for them,' Mr McGarvie said.

The Legal Profession Uniform Law commenced in Victoria and New South Wales on 1 July, 2015, bringing both states and over 70% of Australia's legal professionals under a single regulatory regime.

The Commissioner's analysis of complaints data looked at all complaints made under the Uniform Law between 1 July 2015 to 31 March 2016, and compared them with complaints received under the *Legal Profession Act 2014 (Vic)* between 1 July 2014 – 31 March 2015.

A full-year analysis of complaints and trends will be released in the Commissioner's annual report, due to be tabled in the Victorian Parliament by October 2016.

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