



# **An introduction to the Legal Services Commissioner Avoiding Complaints, Dealing with Complaints**

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# Housekeeping

- Use the chat function (bottom left) for:
  - Providing feedback throughout
  - Asking questions of the presenters
  - Telling Redback of any technical difficulties
- Afterwards – email confirming your participation
- Link to questions and answers from today



# Introduction

- The Legal Services Commissioner
- Complaint types
- How we deal with complaints
- How to avoid complaints



## A few stats ...

- 2000 complaints per year
- Most common areas: family law, probate & estates, small commercial
- Emotion, unfamiliarity, stress



# Types of complaints

- Disciplinary
- Formal civil disputes
- Neither
  - resolvable
  - summary dismissal



## What are the odds?

- 8% of lawyers receive a complaint
- <2% receive multiple complaints
- Learn from feedback – how to run a better business



## **Civil disputes: our approach**

- Shuttle mediation, negotiation
- Informal and formal mediation
- Assist with recurring or systemic matters



***“I didn’t understand what was going on.  
The advice constantly changed. I don’t  
think there was a clear plan.”***





# Managing client expectations

- Communication – test the client’s understanding
- Explain the uncertainties – delays and challenges
- Not a client’s “mouthpiece”



***“She told me the total cost would be \$10,000 but my bill is \$23,000.”***



## Clear communication regarding costs

- s3.4.9 and s3.4.16
- When do costs start being incurred?
- Itemised bills – within 30 days of lump sum bill



# Clear communication regarding costs

- Reasonable costs in circumstances
  - Over-servicing?
  - Re-drafts?
  - Research?
  - Every minor attendance?



## **Complaints happen... Do not panic**

- Approachability
- Understanding
- Candid
- Word of mouth advertising

**The LSC is here to help.**



# Disciplinary complaints

- Demystify our processes
- How we handle complaints
- How lawyers should respond



# Common reactions and misconceptions

- Angry and defensive
- Unfair
- PC is not on the line
- No bias toward either party



## ***Legal Profession Act 2004***

- Must investigate disciplinary complaint
- Anyone can complain about conduct
- s4.2.10 – summary dismissal
- s4.2.3 defines disciplinary complaint





# Investigation processes

- Information gathering
- Find out what happened
- Explain outcome to client



## What should lawyers do?

- Stay calm
- Ask if you need more time
- Full and frank explanation
- Remain professional



# What should lawyers do?

- Admit mistakes
- Mitigating factors?
- Provide a response



# Outcomes

- Reasonable likelihood...
- Professional misconduct
- Unsatisfactory professional conduct
- s4.4.13 determinations



## Until next time ....

- Feedback?
  - Anonymous survey
- More webinars planned
  - Future topics?