

# Consumer rights under the new Uniform Law

This fact sheet explains how consumers of legal services are affected by changes to the laws regulating lawyers.

## INFORMATION FOR CONSUMERS

### What is the Uniform Law?

In July 2015 the Victorian and New South Wales governments introduced a new law to regulate lawyers. The *Legal Profession Uniform Law* now covers all lawyers in both states. This delivers a single set of conduct and ethical rules for lawyers to follow. Some changes have also been made to your rights as a consumer of legal services. These are explained below.

### Problems with lawyers

If you have a problem with a lawyer's behaviour or the work they have done, you are entitled to have your concerns addressed. Often it is best to talk to the lawyer directly as most problems can be resolved with further discussion.

If you are unable to resolve the issue, you can contact the Victorian Legal Services Commissioner to discuss the problem. We can help you resolve some issues over the phone. Where necessary you can make a formal complaint. Anyone may make a complaint about a lawyer, verbally or in writing.

### Types of complaints

The Uniform Law classifies complaints as consumer matters or disciplinary matters; some may be a combination of both.

#### *Consumer Matters*

Consumer matters include costs disputes, service issues and conduct concerns which are not serious enough to result in misconduct charges. We are usually able to resolve these complaints using our powers under the Uniform Law.

We can accept a consumer matter if:

- either you or the lawyer has unsuccessfully made a reasonable effort to resolve the dispute
- the complaint is made within three years from the date of the conduct complained about
- for a costs dispute, the total bill is less than \$185,460, or if the bill is more than \$185,460, the disputed amount is less than \$18,550.

- for a costs dispute, the complaint is made within 60 days after legal costs are payable, or 30 days if the bill is itemised. This time limit may be extended to 4 months under certain circumstances, provided that the lawyer or law practice has not commenced proceedings for recovery of the costs.

Under the Uniform Law, the disputed costs no longer need to be lodged with the Commissioner before we can attempt to resolve the dispute. This allows us to attempt to resolve consumer matters on an informal basis as soon as you raise a dispute with us.

#### *Disciplinary matters*

Disciplinary matters are complaints about a lawyer or law practice that involve misconduct or unsatisfactory professional conduct.

A disciplinary complaint must be made within three years of the alleged conduct. This time limit may be extended under limited circumstances.

### Costs disclosure by your lawyer

If the total legal costs are likely to be between \$750 and \$3,000, the law firm must provide you with a standard explanation of the costs of your legal work.

If the total legal costs are likely to exceed \$3,000, the law firm must inform you how the legal fees will be calculated; and the estimated total legal bill.

If the disclosure obligations are not met the costs agreement is void and no costs are payable until they have been assessed or the costs dispute has been determined by the Commissioner.