

LAW SOCIETY OF IRELAND

Complaints

and

Client Relations Committee

Annual Report

of

Lay Members

Year 2018 – 2019

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1. **DERIVATION OF POWERS**

- 1.1 The Law Society of Ireland (The Society) is the regulatory body for solicitors. It has a statutory duty to investigate complaints about solicitors, made by members of the public and other solicitors.
- 1.2 The Complaints and Client Relations Committee is one of the standing committees of the Law Society Council.
- 1.3 The Solicitors Acts, 1954-2015 require the Law Society to regulate solicitors. The Charter of the Law Society gives the Council of the Law Society powers to make bye-laws. Bye-laws were subsequently made by the Council providing for the passing of annual Council regulations. The Council regulations delegate the regulatory functions of the Society, which include “the consideration of complaints against solicitors”, to the Regulation of Practice Committee and the Complaints and Client Relations Committee on an annual basis. The Complaints and Client Relations Committee deals principally with the investigation of complaints against solicitors (Regulation 54.37)

2. COMPOSITION OF THE COMPLAINTS AND CLIENT RELATIONS COMMITTEE

- 2.1 The Complaints and Client Relations Committee, (hereunder referred to as 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 members of the legal profession. The solicitors on this Committee give of their time voluntarily to adjudicate on complaints against members of the Law Society of Ireland.
- 2.2 The Committee operates in three divisions.
- 2.3 Each Division consists of a Chair who is a solicitor nominated by the Council of the Law Society, two other Solicitor Members and four Lay Members. Section 34 of the Civil Law (Miscellaneous Provisions) Act 2008 provides that the majority of each Division must be comprised of Lay Members. The meetings of the Divisions are also attended by Solicitors from the Complaint and Client Relations Section of the Law Society who have dealt with the complaints coming before the Committee from the outset.
- 2.4 The Independent Adjudicator of the Law Society, who deals with complaints about the Law Society's handling of a complaint against a solicitor, attends some meetings of the Committee as an observer.
- 2.5 It is important that Complainants are always aware of the fact that their complaints, if they are referred to the Committee, will be considered by a Committee where the majority of the members are, themselves, lay people.
- 2.6 The Lay Members have been nominated by the following Bodies at the request of the Law Society of Ireland:
- Irish Congress of Trade Unions (ICTU)
 - The Irish Business and Employers' Confederation (IBEC)
 - The National Consumer Agency (NCA)
 - Institute of Public Administration (IPA)
- 2.7 Attached as Appendix I are the names of the Lay Members of the Committee in the year July, 2018 to June, 2019.

3. **ROLE AND REMIT OF THE COMPLAINTS AND CLIENT RELATIONS COMMITTEE**

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

- **misconduct** as defined 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;

3.2 In addition, the Society may investigate any allegation, including an allegation withdrawn for whatever reason, 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.

3.3 Complaints received by the Law Society are handled initially by the Complaints and Client Relations Section of the Law Society (See Section 4 below). Where the complaint cannot be resolved by the Section either because of difficulties in effecting a resolution or because of the nature of the complaint, the matter is referred to the Committee.

3.4 The Committee operates in Divisions. Each Division has the same duties and responsibilities and meets approximately every six weeks so that one Division meets about every two weeks. Prior to each Division meeting, members are required to read a substantial amount of documentation relating to the agenda of the day. (The names of the Lay Members are at Appendix I - see paragraph 2.6/2.7 above).

3.5 The primary focus of the Committee, where appropriate, is to seek to resolve matters by agreement between the complainant and the Solicitor involved.

3.6 The solicitors who are under investigation are often invited or required to attend to answer questions on the complaint(s) before them. Clients can also attend if they wish. However, the client and the solicitor against whom the complaint has been made are never in attendance at the same time, as the Committee operates in a non-adversarial manner.

- 3.7 Where a Solicitor does not attend a meeting of the Committee at which his/her attendance has been required (or where correspondence about a complaint has not been addressed), the Committee may levy the costs of the investigation on the Solicitor concerned and/or seek to secure an order from the High Court compelling his/her attendance or substantive response.
- 3.8 If a resolution is not possible the Committee may reject the complaint or may direct the solicitor concerned to take certain steps:
- instruct a solicitor to reduce, waive or refund fees to the 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.
- 3.9 It should be noted that, in certain circumstances, where a complaint is made which, on the face of it, might appear to merit disciplinary action against a Solicitor, the Committee may seek to require the solicitor to take certain steps in favour of the complainant rather than proceeding with disciplinary action immediately, as a disciplinary finding against a solicitor may be of little value to the client who is still left with an unsatisfactory outcome, whatever disciplinary action may be taken against the solicitor.
- 3.10 For example, in the case of a person who is in receipt of an undertaking from a solicitor which has not been complied with, his/her prime concern is to ensure that the undertaking is complied with and he/she is better served by the Committee's taking steps to require the solicitor to comply with the undertaking rather than proceeding with disciplinary action immediately, even if this takes some time. Similarly, the prime concern of the beneficiaries of a will is to get the process completed rather than having disciplinary action taken against the solicitor involved, at least in the first instance.
- 3.11 This does not mean, of course, that, if and when the client eventually secures a satisfactory (or less unsatisfactory) outcome, disciplinary action cannot be taken against the solicitor.

- 3.12 The Committee also has a role in relation to the renewal of Practising Certificates of Solicitors.
- 3.13 Solicitors are required to hold a Practising Certificate issued by the Law Society and these certificates must be renewed each year.
- 3.14 Where a Solicitor has been the subject of multiple complaints of a substantial number in the previous two years, the question of the renewal of the Practising Certificate is referred to the Committee.
- 3.15 The Committee may have regard to the number and nature of complaints made against a solicitor within the preceding two years and/or the need to protect the interests of a solicitor's clients, and where the Committee considers that the circumstances warrant, this can result in a direction to refuse an application for a practising certificate, or the imposition of conditions (such as a restricted certificate permitting the solicitor to practice as an assistant solicitor in the employment of and under the supervision of a solicitor of at least 10 years standing to be approved by the Society).
- 3.16 In October this year, the Society made regulations (Statutory Instruments Nos. 466 and 488 of 2019) governing Procedure in relation to complaints received by the Society, including the procedures of the Committee in considering these complaints.

4. **ROLE OF THE COMPLAINTS AND CLIENT RELATIONS SECTION OF THE LAW SOCIETY**

- 4.1 The Complaints and Client Relations Section comprises of a team of investigating solicitors. At the time of writing the number of solicitors in the Section is a total of 3.5 full-time equivalent complaints handlers. There are also 3.5 support positions. The importance of the work carried out by the members of this Section, under the guidance of Senior Solicitor Linda Kirwan, cannot be overemphasised.
- 4.2 The Legal Services Regulation Act, 2015 provides for the transfer of substantial portions of the Regulatory Function of the Society to the Legal Services Regulatory Authority established under this Act.
- 4.3 The Society has been advised the Legal Services Regulatory Authority will deal with all new complaints against solicitors made on or after 7 October with the Society dealing with complaints received before that date.
- 4.4 Under Section 26 of the 2015 Act, a number of staff have transferred from the Society to the Authority. Some Law Society staff earmarked for ultimate transfer to the Authority will need to remain with the Society *pro tem* to continue to deal with complaints up to and during the transition period.
- 4.5 All complaints commence in the Complaints and Client Relations Section which deals with approximately 85% of complaints. The conclusions of the Section are not binding and complaints can be referred to the Complaints and Client Relations Committee. The Section's focus is always on resolution. The Sections refers the complaint to the Committee if it cannot be resolved at staff level. The complainant might not be happy with the recommendation of the Section in which case they are advised that they have the option of referring the matter to the Independent Adjudicator.
- 4.6 It would be remiss of any comment on the work of the staff of the Complaints and Client Relations Section if it did not include the enormous work done by the Section in relation to resolving complaints about undertakings by solicitors. This report sets out the significance of such complaints in the overall make-up of complaints below. The vast majority of these complaints – many of which relate to undertakings given many years ago and with various complications such as changes in firms and personnel in the interval – are resolved by the Section. This is painstaking (indeed often mind-numbing) work but it is a tribute to the staff of the section that so few complaints about undertakings have to be referred to the Committee.

5. **LAY MEMBERS REPORT ON THE STATISTICS PROVIDED BY THE COMPLAINTS AND CLIENT SECTION 2018/19**

Admissible Complaints

5.1 It is clear from the statistical report for 2018/19 that there was an increase (108 or 12.6%) in the number of admissible complaints to 968 received by the Complaints Section by comparison with the previous year (860). However, this increase in a single year has to be seen in the context of a considerable fall in the total number of admissible complaints over time. By contrast with the numbers of such complaints this year and last year, the average number of admissible complaints in the ten years 2007/08 to 2016/17 was 1,815, almost 90% above the level in the year under review. As can be seen from the table below, notwithstanding a small increase in this type of complaint this year, the decrease is largely due to the decrease in the number of complaints about compliance with Undertakings given by Solicitors – mainly to financial undertakings in the context of the release of funds from these institutions to clients for purposes of property purchase, both homes and commercial. (See also Para. 5.22 *et seq.* below)

5.2 The following table shows the impact of complaints re undertakings on the total volume of complaints over the past 10 years:

Year	Complaints re Undertakings	Other Admissible Complaints	Total Admissible Complaints	Undertakings as % of Total
2009/10	1,134	983	2,117	53.6%
2010/11	1,647	975	2,622	62.8%
2011/12	1,732	721	2,453	70.6%
2012/13	1,288	828	2,116	60.9%
2013/14	703	823	1,526	46.1%
2014/15	475	687	1,162	40.9%
2015/16	829	687	1,516	54.7%
2016/17	404	742	1,146	35.3%
2017/18	153	707	860	17.8%
2018/19	174	794	968	18.0%

5.3 It can be seen that complaints concerning compliance with undertakings grew to a veritable tsunami in the period 2009 to 2013 before beginning to fall off significantly over the years 2013/14 and 2014/15. They rose again in 2015/16 before falling rapidly again in the following two years followed by a small increase in the year under review.

- 5.4 Other admissible complaints increased from 707 to 794 (an increase of 84 or 12%) in the past year by comparison with the previous year and, while the numbers have varied somewhat over the past 10 years, it can be seen from the table above that they have fallen in most years and that the decline over time is clearly very significant – the fall from 2008/09 (1,140) to 2018/19 (794) is 346 or 30%.
- 5.5 While there are a variety of factors involved in this fall in complaints on matters other than undertakings, it is reasonable to deduce that some of the fall in the earlier period is attributable to the decline in economic activity generally as there had simply been less business for solicitors as a result so that the capacity for complaints to arise had, of necessity, fallen off. While the economy has recovered over the past few years, this has not given rise to an increase in complaints. This may reflect the fact that there can be a lag between the occurrence of an event which gives rise to a complaint and the making of same. In addition, the fact that property transactions have not been running at anything like the pre-crash level may be a factor here because of the degree of input by solicitors into same.¹ It would also seem to be reasonable to deduce that some of the fall is attributable to the increasing effectiveness of the Society's Regulatory system and the growing awareness of same amongst the profession as a whole.
- 5.6 It should be noted, of course, that absolute numbers of complaints do not tell the full story of the work of the Committee or of the Complaints Section as one complex case can take up much more time and effort than several more straightforward ones. It should be noted, as well, that the number of full-time equivalent solicitors in the Complaints Section has been reduced from 7 to 3.5.

¹ A crude indication of the change in property transactions may be gauged from figures for Changes in the Register in the Annual Reports of the PRA. In 2008, the number was 572,604 while it was 325,420 in 2016.

Allegations of Excessive Fees

5.7 The number of complaints about the level of Fees is virtually unchanged at 100 – it was 94 last year. The gross figures are, however, small so that the figures for an individual year can distort the picture somewhat so that it can be useful to look at them over a longer period. The following table shows the figures for the past 10 years:

Year	Conveyancing	Probate	Litigation	Matrimonial	Other	Total
2009/10	15	26	37	43	14	135
2010/11	15	19	39	32	13	118
2011/12	11	11	39	28	11	100
2012/13	4	14	27	21	18	84
2013/14	13	24	45	21	25	128
2014/15	6	12	28	14	18	78
2015/16	9	14	31	10	16	80
2016/17	11	14	34	28	8	95
2017/18	14	14	36	19	11	94
2018/19	12	21	36	22	9	100

5.8 As can be seen, the number of complaints under this heading has fallen in most years. The reduction over time is significant – the fall from 2009/10 (135) to 2018/19 (100) is 35 or 26%. While any complaints alleging excessive fees are treated very seriously, the figures do provide something of a contrast with the popular, indeed populist, belief that this is a major source of complaint. The decline in the number of such complaints is all the more striking given the abrupt decline in economic circumstances in most of the ten years mentioned above which might have led one to expect that the level of complaints about fee levels would have increased rather than the reverse.

Allegations of Inadequate Professional Services

- 5.9 The number of complaints alleging Inadequate Professional Services shows an increase of 21 or 6% from the previous year. They were at 356 in 2017/18 and 377 in 2018/19.
- 5.10 The picture over a longer time scale is shown in the following table which sets out the picture for the past 10 years:

Year	Delay	Failure to communicate	Shoddy work	Other	Total
2009/10	145	74	86	35	340
2010/11	99	58	103	41	301
2011/12	98	56	83	29	266
2012/13	125	82	64	43	314
2013/14	104	70	76	41	291
2014/15	103	75	92	32	302
2015/16	114	71	95	27	307
2016/17	139	83	98	40	360
2017/18	95	94	138	29	356
2018/19	125	98	133	21	377

- 5.11 In this case, while the numbers have come down from the first year of the decade, they have not changed significantly one way or another in more recent years.
- 5.12 The breakdown of complaints about excessive fees and inadequate professional services by type does not suggest any particular growing problem as measured by complaints.
- 5.13 The comments made concerning the number of admissible complaints mentioned above should be seen as covering these specific issues as well as others.

Allegations of Misconduct

- 5.14 The total number of allegations of misconduct in 2018/19 was 491. This was an increase of 81 or 20% on the 410 figure for the previous year.
- 5.15 The following table shows the picture for the total number of misconduct allegations over the 10 years 2009/10 to 2018/19:

Year	Delay	Failure to communicate	Failure to Hand Over	Failure to Account	Under Taking	Conflict of Interest	Dishonesty or Deception	Witness Expenses	Advert-ising	Counsel's Fees	Other	Total
2009/10	8	60	104	88	1,134	22	12	2	3	n.a.	209	1,642
2010/11	5	56	92	102	1,647	16	9	4	8	n.a.	264	2,203
2011/12	3	50	80	70	1,732	11	7	4	4	40	86	2,087
2012/13	11	58	99	104	1,288	16	8	1	22	34	77	1,718
2013/14	9	36	125	84	703	18	7	3	70	7	45	1,107
2014/15	2	30	103	65	475	10	4	6	1	22	64	782
2015/16	5	30	102	74	829	9	10	5	0	11	54	1,129
2016/17	9	21	92	51	404	16	13	3	0	27	55	691
2017/18	2	33	97	41	153	12	8	0	0	18	46	410
2018/19	3	38	111	69	174	14	11	1	0	21	49	491

Complaints of Misconduct other than Undertakings

5.16 There is little point in analysing the above table because it is so significantly influenced by the figures related to undertakings which have, themselves, varied considerably over the period.

5.17 Consequently, the issue of undertakings is disaggregated from the total figures and considered subsequently, separately from the other allegations of misconduct.

5.18 Allegations of misconduct - other than undertakings – over the 10 years 2009/10 to 2018/19 are summarised in the following table:

Year	Delay	Failure to communicate	Failure to Hand Over	Failure to Account	Conflict of Interest	Dishonesty or Deception	Other*	Total
2009/10	8	60	104	88	22	12	214	508
2010/11	5	56	92	102	16	9	276	556
2011/12	3	50	80	70	11	7	134	355
2012/13	11	58	99	104	16	8	134	430
2013/14	9	36	125	84	18	7	125	404
2014/15	2	30	103	65	10	4	93	307
2015/16	5	30	102	74	9	10	70	300
2016/17	9	21	92	51	16	13	85	287
2017/18	2	33	97	41	12	8	64	257
2018/19	3	38	111	69	14	11	71	317

* “Other” includes Witness Expenses, Advertising and Counsel’s Fees. (Advertising is no longer within the scope of the CCRC. Figures for Counsel’s Fees were included in “Other” in earlier years and Witness Expenses tend to be small in number).

5.19 While there was an increase of 60 (23%) in the numbers of such complaints in 2018/19 by comparison with 2017/18, the overall trend shows a clear reduction with number of complaints of misconduct other than undertakings falling over most years. The total number of complaints has fallen from 508 in 2009/10 to 317 in 2018/19, a reduction of 191 or 51%.

5.20 The breakdown of these complaints by type does not suggest any particular growing problem as measured by complaints.

5.21 The comments made concerning the fall off in admissible complaints mentioned above should be seen as covering these specific issues as well as others.

Complaints of Misconduct - Undertakings

5.22 Allegations of misconduct in the form of complaints about undertakings, grew at an exponential rate over the years 2005 to 2012. In 2004/05, the number of such complaints was 151 – much the same as those concerning Failure to Hand Over in that year (148). By 2010/11, they had reached 1,732 and represented 83% of all complaints alleging misconduct. The following table shows the significance of Undertakings in relation to complaints of misconduct generally and, also, the numbers of Undertakings over the period 2009/10 to 2018/19:

Year	Total Misconduct Complaints	Under-Takings	Under-Takings % Total	Change Per Annum	% Change Per Annum
2009/10	1,642	1,134	69%	520	85%
2010/11	2,203	1,647	75%	513	45%
2011/12	2,087	1,732	83%	85	5%
2012/13	1,718	1,288	75%	(444)	(26%)
2013/14	1,107	703	64%	(585)	(45%)
2014/15	782	475	61%	(228)	(32%)
2015/16	1,129	829	73%	354	75%
2016/17	691	404	58%	(425)	(51%)
2017/18	410	153	37%	(251)	(62%)
2018/19	491	174	35%	21	14%

5.23 The Table virtually speaks for itself. The rise and rise of complaints about undertakings (which had commenced before the decade shown in the table) became almost inexorable, reaching a peak in 2011/12. It is a relief that there had been a significant fall in the past number of years, but this should not blind the reader to the fact that, even with these falls, complaints about undertakings still constituted 174 or 35% of all complaints of misconduct in 2018/19.

5.24 While the number of such complaints showed an increase in 2015/16, this can be attributed to delays on the part of some financial institutions in bringing forward historic cases rather than indicating any new deterioration in standards in the profession. The increase in the year under review by comparison with the previous year is not of much significance in the context of the overall picture over the decade as a whole.

- 5.25 That said, there is still a substantial number of such complaints – they constitute, by far, the largest category of misconduct complaints - and it almost incredible that some solicitors, despite the widespread publicity about this problem within the profession and its consequences, have still not taken steps to comply with outstanding undertakings – many of which have been outstanding for many, many years. One also has to be conscious of the fact that the post-crash decline in economic activity and property transactions referenced above and the associated collapse in house building along with the decline in mortgages obviously reduced the number of undertakings being given so that the scope for new complaints cannot be as great as it was in earlier years.
- 5.26 Such complaints have been a major contributory factor in the increase in referrals to the Solicitors’ Disciplinary Tribunal in recent years up to this year. They were up significantly in 2015/16 (140) by comparison with 2014/15 (64), before falling back appreciably to 23 in 2017/18 and 8 in the year under review. The underlying trend has shown the extent to which references to the Tribunal have corresponded with the scale of complaints about undertakings – allowing for the fact that there is a time-lag between the making of a complaint and a reference to the Tribunal. Complaints that were referred by the committee to the Disciplinary Tribunal in earlier years are now being heard by the Tribunal. This means that the complaints section is still dealing with the consequences of the unprecedented number of complaints about undertakings and the corresponding increase in referrals to the Tribunal
- 5.27 The following table shows the number of references made by the Customer and Client Relations Committee to the Tribunal over the past 10 years:

References to Disciplinary Tribunal			
Year	Number	Change Per Annum	
		No.	%
2009/10	158	95	150.8%
2010/11	160	2	1.3%
2011/12	116	(44)	(27.5%)
2012/13	354	238	205.2%
2013/14	319	(35)	(9.9%)
2014/15	64	(255)	(79.9%)
2015/16	140	76	118.8%
2016/17	28	(112)	(80.0%)
2017/18	23	(5)	(17.9%)
2018/19	8	(15)	(65.2%)

- 5.28 It should be noted that not all referrals to the tribunal result in a hearing. Many cases are resolved during a stay, others are resolved after the matter has been lodged with the tribunal and the committee agrees to authorise an application to withdraw. In addition, if a solicitor has already been struck off in respect of an earlier matter, and, thereafter, there are multiple referrals to be heard, the committee has, in general, not made further referrals in such cases (or authorised the withdrawal of such cases where they have been referred) on the basis that there is no purpose served in seeking any further disciplinary action.
- 5.29 Problems with compliance with undertakings have also been at the root of many of the situations where the question of the renewal of practising certificates has had to be considered having regard to the number and nature of complaints against the same solicitor and the need to protect the interests of the solicitor's clients because, unfortunately, there has tended to be an overlap between such solicitors and those who have problems with undertakings.
- 5.30 In an earlier Annual Report, the Lay Members have described the scale of the problem of failure to comply with undertakings as “alarming”. The nature of the problem was described in detail along with the consequences for the Profession in terms of reputation and insurance costs and the way in which additional costs feed, inevitably, into legal fees.
- 5.31 In 2010/11, the consequences of this incubus on the profession was one of the major factors giving rise to the rescue of the Solicitors’ Mutual Defence Fund which added further costs to the Profession as a whole, all because of what we have described in an earlier report as “a cavalier attitude to such undertakings on the part of a small minority of Solicitors”.
- 5.32 One could be forgiven for seeing the problem of failure to comply with undertakings promptly as constituting a type of hydra-headed monster which has eaten into the fabric of the profession in so many places and ways.
- 5.33 While it is a relief to see that the scale of the problem has, at last, been falling, one cannot ignore that this problem continues to be a major concern of the Committee. In the vast majority of cases coming before the Committee, the undertakings are several years old and, in many cases, little or no action has been taken by the solicitors involved to comply with the undertakings. In addition, correspondence from the aggrieved parties (and, in some cases, the Society) has frequently been ignored or been the subject of meaningless responses. The matter is further complicated by the fact that, in a number of instances, the solicitors involved have ceased to practice.

- 5.34 That there should still be an issue with failure to comply with undertakings (174 cases in the year under review) in circumstances where the problem has been very widely ventilated throughout the profession is quite extraordinary. One would have thought that solicitors involved with long standing undertakings would, by now, have taken steps to ensure that they were in compliance.
- 5.35 It is to be hoped that any remaining solicitors with long-standing undertakings will take steps, immediately, to put themselves into compliance with same. It is very much in their interests to do so as the problem will not go away.
- 5.36 Much of the problem might be mitigated if solicitors approached the lending agencies regarding their Undertakings, or at least reported progress on resolution. Indeed, the lack of information from Solicitors on the status and/or progress of complaints either to the lending agency, other complainants or the Law Society makes the complaint more serious.
- 5.37 The Lay Members are also conscious of the fact that the volume of complaints under this heading has put an enormous strain on the staff of the Society's Complaints Section. Solicitors concerned with long-standing undertakings which have not been complied with should surely be aware of this but then, if they are cavalier with the recipients of undertakings, one supposes that they have little regard for the consequences of their inaction for others either.
- 5.38 Financial Institutions also contribute to the problem by relying on the fact that failure to honour an undertaking is a conduct issue and that they can make a complaint to the Society notwithstanding the length of time that has elapsed since the undertaking was given. This frequently happens after a lengthy period of complete inaction by the financial institution.
- 5.39 In that context, an issue which arises is whether there should be some form of time limit on any new undertakings issued by Solicitors to Financial Institutions in the circumstances coming before the CCRC. There are arguments for and against such an approach, but it seems odd that a Financial Institution can accept such an undertaking from a Solicitor and take absolutely no action to enquire about compliance with same for a period of 10 years or more and then report it to the Law Society as a conduct issue for the Solicitor.
- 5.40 We have described the behaviour of some solicitors in respect of undertakings as cavalier. The behaviour of financial institutions cannot be rated any better. Perusing the complaints gives one an insight into certain of the lemming-like behaviour which consumed so many people in so many respects in the lead up to the economic collapse.

- 5.41 Examples of the extraordinarily reckless behaviour of financial institutions in granting some loans include a substantial mortgage for a couple with modest means in their late 70s and another for a person whose sole source of income was (and had been for some time) a means tested Social Welfare Assistance payment.
- 5.42 The Lay Members consider it worthwhile repeating a paragraph from an earlier report about the importance of undertakings:

A solicitor's undertaking to do something is central to many aspects of business and commercial activities. It is accepted as something akin to a "gold standard" and cannot be given lightly. If the concept of an undertaking were to be devalued, the consequences for business activity are unthinkable. It is therefore essential that the value of an undertaking be upheld, in the interests of clients, other people and institutions relying on undertakings and the vast majority of solicitors themselves. The Lay Members will continue to seek to ensure that undertakings are complied with and that appropriate disciplinary action is taken against offending solicitors.

- 5.43 While a financial institution in receipt of an undertaking is normally the complainant in cases involving undertakings, it should be recognised that the client of the solicitor involved in the original mortgage transaction is also at risk in that his/her title to a property may never have been registered so that, if and when the client goes to sell the property they have serious problems.
- 5.44 Given that the overall trend in the number of complaints relating to Undertakings is falling, it might be appropriate for the Law Society to review the system, in conjunction with the new Legal Services Regulatory Authority, with a view to considering the serious issues which have arisen from the practice. The Undertaking is intended to give reassurance to the client that the matter involved will be dealt with, to the financial institution involved that the stamped and registered deed will be transmitted to the institution and to the Law Society that the Member will adhere to the desired standard of behaviour. In the event, none of these objectives have been achieved in hundreds of cases. The clients have been exposed to delay at best; the financial institutions have neglected to follow up on the Undertakings in some cases for more than a decade, (at which point the Practice may have closed) with the result that the Law Society has moved from being a Regulator to becoming a place of recourse for financial institutions. (It may be noted, however, that the failure of clients to co-operate with solicitors frequently makes *post factum* compliance with undertakings more difficult). There may not be an easy or immediate solution, but it deserves examination.

Solicitors Under Stress

- 5.45 It has been clear to the Lay Members that a number of solicitors, both in practice and having ceased practice, are obviously under considerable stress and, in many cases, under medical care. While we recognise that there are services such as Lawcare available to those solicitors, it is evident that solicitors concerned are often reluctant or unwilling to engage with them. We have, over a number of years, called on the Society to take a more proactive approach intervention, (such as retaining the services of some professional psychological or psychiatric help) would benefit the solicitors, their clients and the Law Society itself.
- 5.46 As a result, we are very pleased to note that arising from the fact that Michael Quinlan and Patrick Dorgan, in the context of their presidency of the Law Society, placed supports for the wellbeing of the profession high on their agenda. This has resulted in the Law Society's engaging consultants, Psychology at Work, to conduct a full, objective review of existing mental health and wellbeing supports offered by the Society.
- 5.47 This has resulted in the establishment of the Society's Wellbeing Hub.
- 5.48 The Wellbeing Hub has been set up to:
- Direct members of the Society experiencing wellbeing challenges to appropriate support services and guidance
 - Raise awareness and provide information on how to help those in difficulty or crisis – for colleagues and people managers
 - Provide members of the Society with information and signposting to help grow resilience and manage emotional wellbeing
 - Proactively dismantle any perceived stigma around mental health issues and champion best practice
 - Work in collaboration with mental health organisations to increase the Society's understanding of wellbeing issues/resources so that the Society can ensure that members of the Society have the most up-to-date information.
- 5.49 The Hub has been publicised widely the Law Society Gazette.
- 5.50 We give a warm welcome to this initiative and hope that it will prove effective and beneficial.

Section 68 Letters

- 5.51 A “Section 68 letter” is a requirement set out in Section 68 of the Solicitors (Amendment) Act 1994. It provides that a solicitor must provide a client with details in writing of:
- the solicitor's actual charges, or where this is not possible or practicable,
 - an estimate of the solicitor's charges, or where this is not possible or practicable,
 - the basis on which the solicitor's charges are to be made.
- 5.52 The purpose of this provision is to ensure that a client has some reasonable idea of what his/her exposure is going to be when he/she is considering whether to proceed with engaging a solicitor (or a particular solicitor). As such, it is a very important measure designed to protect the interests of clients.
- 5.53 Unfortunately, there are continuing problems with the implementation of this provision with some solicitors observing it more in the breach than the observance. The requirement to issue a “Section 68” letter has been in force since 1995. While one could expect some “teething problems” with the implementation of the requirement initially, it really is ridiculous that it continues to be a problem at this remove.
- 5.54 The Lay Members regard the requirement to provide a (meaningful) Section 68 letter - especially one which clarifies the cost implications of Court proceedings etc. and updates any original letter as a case proceeds since such can have significant implications for costs - as a very serious matter which is designed to protect clients’ interests and will seek to take appropriate action in the case of any solicitor coming before the Committee who has not issued such a letter.
- 5.55 In this context, the Lay Members are very concerned that some Section 68 letters are still so meaningless as to be devoid of any real meaning, even in circumstances where it should have been possible to provide a more meaningful letter. In a few cases, while letters purporting to comply with Section 68 have been provided, they have been couched in such arcane terms that they are, effectively, unintelligible to any normal lay person and could not reasonably be described as complying with the intentions of the legislature in enacting this provision. There is also a necessity to provide fresh Section 68 letters when a case which has started in a particular form grows and develops needing further action over and above that envisaged in the original engagement of the Solicitor and the Section 68 letter issued at the time.

- 5.56 While the Law Society has a generalised Law Society pamphlet about fees which is to be given to a prospective client, the mere provision of same does not meet the requirements of Section 68. The pamphlet itself makes it clear that solicitors must *"give you (the client) the information in this leaflet and must also write down and give you details of how they will charge you in your particular case"*.
- 5.57 The Lay Members have noted that the Society published a detailed practice note on the implementation of Section 68 during 2015 which should help with these problems.
- 5.58 The Legal Services Regulation Act, 2015, has detailed provisions of a more elaborate nature which will replace the provisions of "Section 68".

Probate

- 5.59 While the number of complaints concerning probate is relatively small, the anguish caused for beneficiaries where matters go wrong is severe. The most common problem lies in delays but, unfortunately, there are other problems as well such as insufficient (or inaccurate) details in Estate Accounts. These problems can be compounded by other issues such as the lack of Section 68 letters for residuary beneficiaries (this may not be a legal requirement but it is recommended by the Society), complaints about overcharging, provision for interest on monies held in client accounts and, most frequently of all, failure to keep executors and beneficiaries informed of developments. It is recognised that there can be problems for solicitors in certain types of probate cases where there are complications such as significant and dispersed properties, property title complications, complex tax issues and, perhaps worst of all, family disputes over entitlements.
- 5.60 As well, there are detailed regulations regarding Witnessing Wills, acting as Executors and dealing with Probate with the attendant issues of cost and benefit to the solicitors, which, based on the experience of the Committee, need to be clearly understood by practitioners, since they appear to be breached quite regularly.
- 5.61 There also seem to be problems with solicitors taking on probate cases which are simply too onerous or complex for their own resources or expertise. If confronted by such cases, they would be well advised to suggest that a client goes elsewhere to avoid their being drawn into problems with which they cannot cope and having to face complaints which arise from this. On occasion, the Committee has suggested to Solicitors that they might seek assistance from colleagues where they have problems with difficult probate cases and, indeed, in complex conveyancing cases.
- 5.62 However, problems can arise even where the estate is relatively simple and, in the view of the Lay Members, many of these problems could be overcome by the provision of regular up-dates on progress in the administration of estates in simple language – at least to executors and preferably to all beneficiaries.

5.63 It may seem that too much is being made of these problems, but it should be remembered that the administration of probate is one of the few situations where many citizens have any contact at all with the legal profession throughout their entire lives and that they will, inevitably, form their impression of Solicitors as a whole based on this experience. It is, therefore, essential that administration of probate should be to the highest standard – both in the interests of beneficiaries and the profession as a whole.

Practising Certificates

5.64 Under the provisions of the Solicitors (Amendment) Act, 2002, the Committee has powers to consider the number and nature of complaints against the same solicitor and the need to protect the interests of the solicitor's clients in the context of the annual renewal of Practising Certificates.

5.65 The fact that Solicitors are the subject of multiple complaints is not, in itself, an indication of a problem since the complaints (or the bulk of same) could be found to be unsubstantiated. Unfortunately, the experience is otherwise.

5.66 The small minority of solicitors who are persistent offenders are a danger to the general public who may become their clients. In addition, of course, they are a liability to the Profession as a whole as they tend to bring the profession into disrepute. The Lay Members are of the view that when the number of complaints that constitute “the multiple” are exceeded, it should warrant a visit from a senior member of the Complaints and Client Relations Section to the office of the solicitor to establish if there are underlying difficulties which can be addressed that will benefit both the clients and the solicitor and that active supervision should continue until the problem is resolved.

5.67 The number of Solicitors who have been called before the Committee in the context of renewal of Practising Certificates has fallen rapidly over the past number of years – see table below. It should be noted that there is a considerable overlap between the Solicitors with complaints concerning compliance with undertakings and Solicitors who are so called so that one would expect the numbers called to decline with the decline in complaints concerning undertakings.

Annual Renewal of Practising Certificates									
Solicitors Called before Committee									
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
17	25	28	22	16	7	7	6	4	2

- 5.68 All clients who engage the services of a solicitor must be confident that they will receive the optimum level of service, in an efficient manner and in an acceptable time frame. Multiple complaints and the protection of clients' interests will be addressed in the context of the renewal of Practising Certificates in the New Year. This is an important function as it affords the Society an opportunity to take action in the case of Solicitors who have had several complaints, so as to prevent their being a danger to potential clients.

Prompt Responses from Solicitors to Complaints

- 5.69 An issue which is of concern to the Lay Members is that some solicitors who are subject to complaints ignore correspondence from the Society re same or take an inordinate time to reply (or reply in a meaningful way). This is a problem in itself in that it is unacceptable that members of the profession should feel free to ignore correspondence from their own professional body. Even worse, it is frequently a symptom of much more serious underlying problems.
- 5.70 The Lay Members consider that it would be appropriate to make more use of the powers available to the Committee in such cases (e.g. imposing costs on the solicitor).

Complaints by Solicitors against other Solicitors

- 5.71 Another factor which adds to the volume of complaints and workload of the Society is the tendency of some Solicitors to make complaints to the Society about other Solicitors – frequently in the same town or a neighbouring town – rather than dealing with these issues directly between themselves as colleagues.
- 5.72 The statistical appendix shows that the number of such complaints has fallen but this is, in fact, a reflection of the fall in problems arising from undertakings since most complaints made by financial institutions are, in fact, made on their behalf by solicitors.

LEGAL SERVICES REGULATION ACT, 2015

- 6.1. When the Bill was introduced in 2011, the Lay Members considered the provisions of this Bill and decided to make a submission to the Minister for Justice on the matter.
- 6.2. The context of the Submission made by the Lay Members was set out therein as follows:
 - 2.1 *In deciding to make this submission, the Lay Members do not wish to become involved in the main areas of controversy which have developed around the Bill but, rather, would wish to concentrate on practical matters which have occurred to the Lay Members arising from their experience of the operation of the existing complaints system in respect of solicitors.*
 - 2.2 *The prime concern of the Lay Members has been to ensure that the rights of clients are vindicated in the context of complaints against solicitors while, at the same time, ensuring that the solicitors against whom complaints are made are treated fairly and this is at the root of this submission.*
 - 2.3 *Needless to say, the experience of the Lay Members is exclusively related to complaints relating to Solicitors and it is this experience which informs this submission.*
- 6.3. The Lay Members sent the Submission to the Minister for Justice on 1 May, 2012. The Lay Members indicated in the letter to the Minister that we would be happy to meet with him or his officials to discuss the submission.
- 6.4. A copy of the Submission was also sent to the Clerk of the Joint Committee on Justice, Defence and Equality of the Oireachtas which was considering the Bill. The Lay Members indicated that they would be happy to attend on the Committee to discuss the submission.
- 6.5. Both the Minister and the Committee acknowledged the Submission shortly after that. The Lay Members heard nothing further from either the Minister or the Committee since then.
- 6.6. The Act was signed into law by the President on 30 December, 2015.
- 6.7. A Statutory Instrument (No. 383 of 2016) dated 19 July, 2016 provided for the commencement of certain Sections of the Act on that date.
- 6.8. A further Statutory Instrument (No. 507 of 2016) dated 29 September, 2016 set 1 October, 2016 as the Establishment Day for purposes of the Act.

- 6.9. The names of the Legal Services Regulatory Authority established by the Act were announced in July. It consists of nominees of the Citizens Information Board, the Higher Education Authority, the Competition and Consumer Protection Commission, the Irish Human Rights and Equality Commission, the Institute of Legal Costs Accountants, the Consumers Association of Ireland, the Bar Council, the Honorable Society of King's Inns, the Legal Aid Board and the Law Society. The Chair is Dr. Don Thornhill of the Higher Education Authority. Geraldine Clarke and James MacGuill are the Law Society's nominees. The Authority's first meeting took place on 23 October, 2016.
- 6.10. Under the Act, some of the Regulatory Functions currently carried out by the Law Society by Statute have been transferred to the Legal Services Regulatory Authority, including those carried out by the Complaints and Client Relations Committee. Statutory Instrument (No. 502 of 2019) dated 7 October, 2019 set 7 October, 2019 as the commencement date for the operation of Part 6 of the Act. This Part deals with Complaints against legal practitioners, including solicitors.
- 6.11. From 7 October, 2019 all new complaints will be made to the Authority, and the Society (i.e. the CCRC) will complete any outstanding complaints. Similarly, applications already lodged with the Solicitors Disciplinary Tribunal will remain within the jurisdiction of that tribunal until finalisation.
- 6.12. As a result, the CCRC is now in a "wind down" process as no new complaints received after that date will come within the scope of the Society's remit.
- 6.13. The issue of the transfer of staff working in the Society's Complaints Section and the Disciplinary Tribunal to the Authority is mentioned at Section 4 above.
- 6.14. The contact details for the Legal Services Regulatory Authority are as follows:
- LSRA
PO Box 12906
Dublin 2
www.lsr.ie
- 6.15. The Legal Services Regulatory Authority Complaints contact is as follows:
- Email: complaints@LSRA.ie
Telephone: 018592911

7. **OTHER OBSERVATIONS**

- 7.1 In earlier years, the Lay Members have used their report to make observations and suggestions on various issues which had arisen from their consideration of complaints.
- 7.2 In view of the fact that the Committee is now in “wind down”, the Lay Members do not see any purpose being served in doing so this year.
- 7.3 Given this “wind down” position, it is likely that this will be the final report of the Lay Members.
- 7.4 The Annual Report of the Lay Members is published on the Society’s web-site. The first such report published was for the year 2012/13.

8. **ACKNOWLEDGEMENTS**

- 8.1 We the Lay Members wish to express our sincere thanks to each and every member of the Complaints and Client Relations Section, for their commitment and dedication to duty and their assistance to us at all times. We wish to extend special thanks to Linda Kirwan, Senior Solicitor of the Section, who is always on hand for queries from Lay Members and facilitating meetings if and when required. Without this continued support it would not be possible for Lay Members to ensure that the service provided continues to be client-centred, fair and equitable.
- 8.2 The solicitor members of the Committee, including the chairs, carry out their role in an exceptional and generous manner and it should be noted that their time is given on a purely voluntary basis.
- 8.3 As mentioned above, each Division is chaired by a solicitor member of the Committee. In this context we extend our sincere appreciation to Paul Egan, Chairperson, and Flor McCarthy and Don Murphy, Vice Chairpersons who held these positions in 2018/19.
- 8.4 The Chairs have been unstinting in their application to the work of the Committee and, in particular, they make it clear that they recognise and appreciate the contribution of the Lay Members. They ensure that the Lay Members have every opportunity to contribute to the discussions at the Committee and, also, facilitate the Lay Members in having maximum input into the decisions of the Committee

APPENDIX ILIST OF LAY MEMBERS AS AT OCTOBER, 2018

<u>Name</u>	<u>Nominated by</u>
Brian Callanan	IBEC
Michael Carr	IBEC
Thomas Coughlan	IPA
Ultan Courtney	IBEC
Frank Cunneen	IBEC
Vera Hogan*	NCA
John Horan**IPA
Peter McLoone	ICTU
Lenore Mrkwicka***	ICTU
Chris Rowland	ICTU
Paddy Keating	ICTU
Thomas O'Sullivan	ICTU
Dan Murphy	ICTU

* Vera Hogan Resigned from the Committee in November, 2019

** John Horan joined the Committee early in 2019

*** On Secondment to the Regulation of Practice Committee

APPENDIX II**COMPLAINTS & CLIENT RELATIONS SECTION****Statistical Report 2018/2019**(1 July, 2018 to 30 June, 2019²)

The total number of new complaints received was **1,274**, of which 306 were deemed inadmissible, leaving a balance of **968** admissible complaints, an increase of 108 on last year. 754 complaints were carried forward, making a total of **1,722** investigations carried out by the Complaints section during the year.

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

Complaints alleging misconduct are up by 81 from last year reflecting modest increases in most categories. Complaints about solicitors' undertakings increased slightly this year, reversing the downward trend of the preceding 2 years. Complaints alleging excessive fees and inadequate professional services were at a similar level to last year.

104 of the 968 admissible complaints made last year were made by solicitors against their colleagues.

The Complaints and Client Relations Section opened a further 729 files, consisting of a mix of queries, requests for information from members of the public and the profession, potential complaints and records of direct applications made to the Disciplinary Tribunal by members of the public

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

	Closed	Under Investigation	Total
New complaints	583	385	968
Carried forward	481	273	754
Total	1,064	658	1,722

² The Society changed its reference year for statistical purposes from a year running from 1 September to 31 August to a 12 month period running from 1 July to 30 June in 2017.

At the end of the previous year, the corresponding figures were:

	Closed	Under Investigation	Total
New complaints	531	309	860
Carried forward	430	445	875
Total	961	754	1,735

Breakdown of complaints

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Admissible Complaints	1,146	860	968	108	12.6%
Inadmissible Complaints	261	253	306	53	20.9%
Total	1,407	1,113	1,274	161	14.5%

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Allegations of Excessive fees	95	94	100	6	6.4%
Allegations of Inadequate Professional Services	360	356	377	21	5.9%
Allegations of Misconduct	691	410	491	81	19.8%
Total	1,146	860	968	108	12.6%

Excessive fees

Complaints alleging overcharging were broken down as follows:

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Conveyancing	11	14	12	(2)	(14.3%)
Probate	14	14	21	7	50.0%
Litigation	34	36	36	0	0.0%
Matrimonial	28	19	22	3	15.8%
Other	8	11	9	(2)	(18.2%)
Total	95	94	100	6	6.4%

Inadequate professional services

Complaints alleging Inadequate Professional services were broken down as follows:

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Delay	139	95	125	30	31.6%
Failure to communicate	83	94	98	4	4.3%
Shoddy Work	98	138	133	(5)	(3.6%)
Other	40	29	21	(8)	(27.6%)
Total	360	356	377	21	5.9%

Misconduct

Complaints alleging misconduct were broken down as follows:

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Delay	9	2	3	1	50.0%
Failure to communicate	21	33	38	5	15.2%
Failure to hand over	92	97	111	14	14.4%
Failure to account	51	41	69	28	68.3%
Undertaking	404	153	174	21	13.7%
Conflict of interest	16	12	14	2	16.7%
Dishonesty or Deception	13	8	11	3	37.5%
Witnesses Expenses	3	0	1	1	n.a.
Counsel's Fees	27	18	21	3	16.7%
Other	55	46	49	3	6.5%
Total	691	410	491	81	19.8%

Complaints & Client Relations Committee

Meetings

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Ordinary Meetings	19	19	18	(1)	(5.3%)
Plenary Meetings	1	1	1	0	0.0%
Special Meetings	3	3	1	(2)	(66.7%)
Total	23	23	20	(3)	(13.0%)

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Number of new matters referred	189	167	149	(18)	(10.8%)
Number of complainants invited to attend	5	9	7	(2)	(22.2%)
Costs levied	€17,200	€14,050	€7,700	(€6,350)	(45.2%)
Compensation orders	3	1	3	2	n.a.
Reprimands	0	2	2	0	0.0%
Referrals to Disciplinary Tribunal*	28	23**	8**	(15)	(65.2%)

*A number of these referrals were subject to a stays of varying lengths. If resolved during the stay period, the referral did not proceed

**These referrals are complaints that were carried forward from last year.

Practising Certificates

The Committee utilised the powers contained in the 2002 Solicitors (Amendment) Act which allow it to consider the number and nature of complaints against the same solicitor and the need to protect the interests of the solicitor's clients, in relation to 2 different solicitors, as follows:

Practising certificate issued with conditions	2
Total:	2

Case Completion
(Cases Received in the Year)

Category	2016/17		2017/18		2018/19		Change 17/18 To 18/19	
	No.	%	No.	%	No.	%	No.	%
Complaints Resolved	342	46.3%	209	37.9%	213	36.5%	4	1.9%
No grounds for complaint but assistance provided	67	9.1%	47	8.5%	71	12.2%	24	51.1%
Withdrawn	61	8.3%	35	6.4%	51	8.7%	16	45.7%
Abandoned	9	1.2%	12	2.2%	10	1.7%	(2)	(16.7%)
Rejected	211	28.6%	206	37.4%	181	31.0%	(25)	(12.1%)
Recommendation made	14	1.9%	12	2.2%	4	0.7%	(8)	(66.7%)
Direction made	2	0.3%	4	0.7%	1	0.2%	(3)	(75.0%)
Referred to Disciplinary Tribunal	4	0.5%	0	0.0%	3	0.5%	3	n.a.
Other	29	3.9%	26	4.7%	49	8.4%	23	88.5%
Total	739	100.0%	551	100.0%	583	100.0%	32	5.8%

Completion Times

Average Completion Times (Days)					
Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Per Case	86.1	80.2	89.9	10	12.1%

Year	2016/17	2017/18	2018/19	Change
Complaints Closed in less than				2017/18 to 2018/19
30 Days	191	157	155	(2)
	25.8%	28.5%	26.6%	(1.9%)
60 Days	152	129	105	(24)
	20.6%	23.4%	18.0%	(5.4%)
90 Days	119	79	91	12
	16.1%	14.3%	15.6%	1.3%
180 Days	193	125	148	23
	26.1%	22.7%	25.4%	2.7%
Other	84	61	84	23
	11.4%	11.1%	14.4%	3.3%
Total	739	551	583	32
	100.0%	100.0%	100.0%	0.0%

Notes:

The "Completion Times" table is based on the complaints that were opened within the 12 months under review.

A reduction in available staff has had a significant impact on case completion times.

Source of Complaints

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19	
				No.	%
Complaints made by Solicitors	112	75	104	29	38.7%
Complaints made by Parties other than solicitors	1,034	785	864	79	10.1%
Total	1,146	860	968	108	12.6%

Year	2016/17	2017/18	2018/19	Change 17/18 to 18/19
Complaints made by Solicitors	9.8%	8.7%	10.7%	2.0%
Complaints made by Parties other than solicitors	90.2%	91.3%	89.3%	(2.0%)
Total	100.0%	100.0%	100.0%	0.0%

