



STATUTORY INSTRUMENTS.

S.I. No. 466 of 2019



SOLICITORS ACTS 1954 TO 2015 (COMPLAINTS AND CLIENT
RELATIONS COMMITTEE, CONDUCT) REGULATIONS 2019

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THE LAW SOCIETY OF IRELAND, in exercise of the powers conferred on them by Sections 5 and 71 of the Solicitors Act 1954 (as amended) **HEREBY MAKES** the following Regulations regulating procedure in relation to investigations by the Society under Section 6A of the Solicitors (Amendment) Act 1960, as inserted by Section 36 of the Civil Law (Miscellaneous Provisions) Act 2008.

Part 1 – Preliminary

1. (a) These Regulations may be cited as Solicitors Acts 1954 to 2015 (Complaints and Client Relations Committee, Conduct) Regulations 2019.
- (b) These Regulations shall come into operation on the first day of October 2019.

2. (a) In these Regulations -

“Act of 1994” means the Solicitors (Amendment) Act 1994 (No. 27 of 1994), as amended from time to time;

“Acts” means the Solicitors Acts 1954 to 2015;

“Council” means the Council of the Society;

“Committee” means the Complaints and Client Relations Committee;

“Complaints and Client Relations Committee” means the Committee of the Council of the Law Society to which, inter alia, responsibility for the investigation of complaints against solicitors has been delegated by the Council;

“investigating officer” means any executive officer in the Complaints Section of the Society;

“Society” means the Law Society of Ireland.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th September, 2019.*

- (b) Other words and phrases in these Regulations shall have the meaning assigned to them in the Acts.
- (c) In these Regulations, unless the context otherwise requires, the singular includes the plural.

3. These Regulations shall be applied so as to be in conformity with the Acts and in the event of there being an apparent conflict between these Regulations and any provision or provisions of the Acts these Regulations shall be construed so as to be in conformity with the provision or provisions of the Acts.

4. These Regulations shall be construed so as to be in conformity with any delegation of power as may be made from time to time in accordance with the Acts and any Regulations made thereunder and, in particular, by the Council to the Committee and by the Committee to senior officers of the Society including senior officers in the Complaints Section of the Society.

5. These Regulations are made without prejudice generally to the provisions of the Acts.

Part 2 – Management of a complaint

6. The Society has the power to investigate alleged misconduct whether or not the Society receive a complaint in relation to the solicitor.

7. Where a complaint is received, that complaint shall:

- (a) be in writing;
- (b) be signed by or on behalf of the complainant;
- (c) provide the address of the complainant;
- (d) provide a current postal address for correspondence with the complainant or designated representative, if different to (c).

8. An investigating officer may decide on the admissibility of the complaint.

9. An investigating officer shall:

- (a) manage the investigation;
- (b) keep the solicitor and complainant (if applicable) informed by correspondence of the progress of the investigation;

- (c) furnish all relevant correspondence and documentation to the solicitor and to the complainant (if applicable);
- (d) inform the complainant (if applicable) and the solicitor of the statutory powers of the Society, as set out in **Appendix 1** to these Regulations, in the investigation;
- (e) require the solicitor to provide his/her comments and explanations within a specified time.

10. The Society may:

- (a) require the solicitor, without prejudice to any of the powers of the Society pursuant to the Acts including Section 10(A)(1) of the Act of 1994, to provide a response to the Society in a timely manner;
- (b) require the solicitor, without prejudice to any of the powers of the Society pursuant to the Acts including Section 10 and Section 14 of the Act of 1994, to produce relevant documentation.

11. Failure by the solicitor to respond to the Society or comply with its requirements in the investigation, without reasonable cause, may amount to a conduct issue.

12. An investigating officer may:

- (a) monitor the progress of the investigation;
- (b) reject the complaint;
- (c) make recommendations to the parties concerned with a view to resolving the complaint;
- (d) refer the matter to the Committee where appropriate or necessary;
- (e) assist the Committee as required.

Part 3 – Committee meetings

13. Where the Committee is investigating conduct on the part of a solicitor:

- (a) the Society shall notify the solicitor and the complainant (if applicable) of the date and time of any meeting of the Committee at which the matter will be considered, the purpose of the meeting, the matters to be considered at the meeting, and the steps which may be taken by the Committee;

- (b) the Society shall notify the solicitor that the matter is being investigated as a matter of alleged misconduct;
- (c) a solicitor is entitled to attend any meeting referred to at (a) above;
- (d) the Society may require a solicitor to attend a meeting of the Committee and in the event that it is necessary, may invoke its powers pursuant to Section 10(A)(1) of the Act of 1994;
- (e) failure by the solicitor to attend a meeting of the Committee when required to do so without reasonable cause may amount to a conduct issue.

14. A solicitor and a complainant (if applicable) may submit written submissions for consideration by the Committee on or before such date in advance of the meeting as may be specified by the Society.

15. Where a solicitor requests an adjournment of the Committee's consideration of the matter:

- (a) in all cases, the solicitor shall give reasonable notice in writing to the Society showing good and sufficient reason;
- (b) in all cases where there are medical grounds the request should be accompanied by medical evidence and the request may be refused in the absence of such medical evidence;
- (c) an adjournment request may be approved in advance of a meeting of the Committee by the Chairman of the Committee or his/her nominee.

16. If a solicitor does not, without reasonable explanation:

- (a) appear before the Committee when required to do so; and/or
- (b) provide a response to any allegations within the time specified by the Committee;

and in the absence of an adjournment having been granted, the Committee may deal with the matter in his/her absence on the basis of the documents already furnished and information available to the Society and in accordance with these Regulations and the Acts.

17. The Committee may seek legal opinion in relation to the investigation of a particular matter. Where it does so it shall disclose such opinion to the solicitor and afford the solicitor an opportunity to make submissions in response to such opinion before making a decision on any matter in respect of which the opinion has been obtained.

18. The Committee may seek independent expert report(s) to assist it. Where it does so it shall disclose such report(s) to the solicitor and afford the solicitor an opportunity to make submissions in respect of such report(s), to include the opportunity to submit expert report(s) in response.

19. At each Committee meeting:

- (a) the Committee shall where possible and in a manner consistent with fair procedures act in an informal and expeditious manner;
- (b) subject to any express provision in these Regulations, the Committee may regulate its procedure;
- (c) if the solicitor and the complainant (if applicable) are attending a meeting they shall attend separately before the Committee save where the Committee directs otherwise;
- (d) a solicitor who is required to attend before the Committee may attend any such meeting personally or by legal representation or both (unless expressly required by the Committee to attend in person, when the solicitor shall attend in person with or without legal representation) and shall be permitted to make oral and/or written submissions;
- (e) a complainant attending before the Committee may attend at the discretion of the Committee and in accordance with the guidelines for attendance at Committee meetings;
- (f) the meeting shall take place in private and no audio or visual recordings of the meeting shall be permitted, save that a record of the meeting (excluding any deliberations of the Committee) may at the request of the solicitor and with the consent of the Committee, be taken by a stenographer, subject to a right of the Committee to be provided with a copy of the transcript, free of charge and at the same time as when it is delivered to the solicitor;
- (g) the Committee shall arrange for a minute to be taken (excluding any deliberations of the Committee).

20. The Committee shall satisfy itself:

- (a) that the parties have had an opportunity to consider all relevant documentation furnished to the Committee;
- (b) without prejudice to paragraph (a):
 - (i) that all allegations made by the complainant to the Society, whether orally or in writing, have been notified to the solicitor; and

- (ii) that all relevant responses made by the solicitor to the Society in respect of the complaint, whether orally or in writing, have been notified to the complainant.

21. Where appropriate, the Committee may decide that the Society should make an application for an inquiry to the Solicitors Disciplinary Tribunal in respect of the conduct of the solicitor.

22. The Committee shall, having notified the solicitor of its intention to make an application to the Solicitors Disciplinary Tribunal, invite the solicitor to make submissions as to why it would be appropriate to deal with the matter by way of reprimand pursuant to Section 12(1)(c) of the Act of 1994.

23. The Committee and the investigating officer shall give reasons for their decisions.

24. A client who is dissatisfied with the manner in which his/her complaint has been dealt with by the Society may complain to the Independent Adjudicator of the Law Society.

25. In accordance with its powers under the Act, and without prejudice to the full extent of those powers, the Committee may, subject to these Regulations, exercise all of the powers set out in Section 12(1) and /or Section 12(2) of the Act of 1994.

Signed on behalf of the Law Society of Ireland pursuant to section 79 of the Solicitors Act, 1954:
Dated this 20 day of September 2019

JOHN ELLIOT,
Registrar of Solicitors

Appendix 1:

Legislation (as amended/inserted/substituted)

Section 3 of the Solicitors (Amendment) Act 1960

Section 10 of the Act of 1994

Section 10(A) of the Act of 1994

Section 11 of the Act of 1994

Section 12 of the Act of 1994

Section 14 of the Act of 1994

Section 17 of the Act of 1994

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