



New Zealand
Law Society
Te Kāhui Ture o Aotearoa

Lawyers Complaints Service



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Most people are satisfied with their lawyer, but sometimes things can go wrong. If you are concerned about a lawyer's service, costs or conduct, you are entitled to lay a complaint with the Lawyers Complaints Service.

Who can make a complaint?

Anyone may make a complaint to the Lawyers Complaints Service. A complaint can be made against:

- lawyers or former lawyers;
- incorporated law firms or former incorporated law firms;
- people who are not lawyers but who are or were an employee of a lawyer or an incorporated law firm.

In this brochure, all these categories are referred to as “lawyer”.

Complaints about former lawyers/incorporated law firms can only be made if the conduct complained about occurred when the person concerned was a lawyer.

When should I contact the Lawyers Complaints Service?

If you are having problems with a lawyer, you might want to try to work things out with the lawyer or law firm first. It is advisable to follow up a matter causing concern promptly.

All lawyers must have their own procedures for handling client complaints and they must tell clients what these procedures are before commencing work for the client. Using those procedures can be the quickest and most effective way of sorting things out.

If you are unable to resolve the issues, you can contact the Lawyers Complaints Service for advice about the complaint process and for help to make a formal complaint.

What can be complained about?

Complaints can include:

- **A lawyer's conduct** – for example, if you believe the lawyer has a conflict of interest or has treated you in an unprofessional way.
- **Poor service** – for example, if your lawyer has:
 - not done what they said they would do
 - involved you in unreasonable delays
 - given you wrong or incomplete information
 - failed to reply to phone calls and letters
 - not kept you informed about the work they are doing for you.
- **Fees** – if you consider a lawyer's bill is too high. However, the Lawyers Complaints Service will normally investigate if the bill is for more than \$2,000 (GST exclusive) and not more than 2 years old. It may look at other bills in special circumstances.
- **Failure to comply with orders** – you may also make a complaint if a lawyer fails to comply with any order or final determination made under the Lawyers and Conveyancers Act 2006 by a Lawyers Standards Committee or the Legal Complaints Review Officer.

Time limit on complaints

The Lawyers Complaints Service may only inquire into complaints about conduct that occurred before 1 August

2008 if that conduct has not already been investigated under the Law Practitioners Act 1982. The Service cannot inquire into conduct that occurred before 1 August 2002.

The Lawyers Complaints Service cannot:

- give you legal advice or a second opinion on legal advice you have received
- inquire into the outcome of or assist with court cases
- consider complaints about judges. These are dealt with by the Judicial Conduct Commissioner (phone 0800 800 3232 or see jcc.govt.nz).
- handle claims on the Lawyers' Fidelity Fund. This fund is available to help compensate people who have lost money or property as a result of theft by a lawyer, law firm or one of their employees or agents. For information about the fund, see lawsociety.org.nz or phone 04 472 7837 or email inquiries@lawsociety.org.nz.

How do I make a complaint?

If you are unsure whether you have grounds for making a complaint, contact the Lawyers Complaint Service for advice, phone 0800 261 801. The Lawyers Complaints Service provides reasonable assistance to any person wishing to make a complaint.

It doesn't cost anything to make a complaint, but formal complaints must be in writing and certain information is needed. The Lawyers Complaints Service has a form that will help you provide all the required information. This includes the outcome you would like to achieve to resolve the complaint. You can get a copy of this form and more detailed information about making a complaint from the Law Society website at lawsociety.org.nz, by phoning 0800 261 801 or by writing to the Lawyers Complaints Service (email and postal address are on the back page).

What happens to my complaint after it is received?

When the Lawyers Complaints Service receives your complaint, it acknowledges the complaint and checks that it is valid. It will be assessed to see if it can be referred to the Early Resolution Service. If the complaint is valid and not suitable for the Early Resolution Service, it will be sent to a Standards Committee for consideration. A copy of the complaint is given to the person or firm you have complained about. The Standards Committee, which must consist of at least two lawyers and one non-lawyer member, may:

- inquire into the complaint.
- ask you and the lawyer you are complaining about to consider trying to resolve matters by negotiation, conciliation or mediation. Your complaint may be referred to the Early Resolution Service. If so, a Legal Standards Officer will telephone you and explain the process.
- decide that no action is warranted.

The Standards Committee has a range of remedies it can order depending on its findings. If it considers the matter very serious, it can refer the complaint to the Lawyers and Conveyancers Disciplinary Tribunal. You will be informed about what the Standards Committee decides. You can ask the Legal Complaints Review Officer to review the decision if you are dissatisfied.

For more detailed information about the complaints process, the possible remedies available and a copy of the complaint form:

- Check the website: lawsociety.org.nz or
- Email: complaints@lawsociety.org.nz, or
- Write to the Lawyers Complaints Service at PO Box 5041, Lambton Quay, Wellington 6140, or
- Call the Lawyers Complaints Service on 0800 261 801

The information in this pamphlet is also available on the New Zealand Law Society website at lawsociety.org.nz

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