

Complaint form

Legal Profession Act 2007

Important information before you fill out this form:

The *Legal Profession Act 2007* requires that complaints about the conduct of legal practitioners, law practice employees or unlawful operators be made to the Legal Services Commission and that they be in writing. We have designed this form for that purpose.

Before you lodge a written complaint, you should consider less formal ways to resolve the problem. If your complaint is about costs, please read Section B before completing this form. You may be able to resolve an issue about the way in which your matter is being managed by a legal practitioner by talking directly to the person concerned or a more senior person at the same firm.

Our staff at the Legal Services Commission can provide advice on how to complete this form. Consumer concerns about issues such as communication with your lawyer, delays in dealing with instructions, or legal costs, may sometimes be resolved by negotiation. You can call us on 3406 7737 or, if you are calling from outside Brisbane, on 1300 655 754.

If you decide to make a written complaint, call us if you need any help filling out the form and please:

- attach photocopies of any relevant documents (do not send us the originals)
- make sure you sign the declaration on the back page of the form under Section C before you send it
- be aware that we cannot provide legal advice or influence the outcome of a matter before a court.

You should be aware that we might need to send the information you have provided on this form to the legal practitioner you are complaining about to enable him or her to respond. This is to ensure both sides receive a fair hearing. The *Legal Profession Act 2007* requires us, if we decide to investigate a complaint, to tell the legal practitioner what the complaint is about and who made it.

Section A— Complaint details *(please print and 'x' boxes)*

1. Complainant(s) (person making the complaint)

| | | | |
|---|----------------|--|----------|
| First name(s) | Mr/Mrs/Ms/Miss | | |
| Surname | | | |
| Residential address (street, suburb) | | | Postcode |
| | | | |
| Postal address | | | Postcode |
| | | | |
| Telephone number (daytime) | | | |
| Telephone number (after hours) | | | |
| Mobile phone number | | | |
| Fax number | | | |
| Email | | | |

2. Are you making this complaint on behalf of another person?

- No, I am acting on behalf of myself
 Yes, I am acting for a minor
 Yes, I am exercising Power of Attorney*
 Yes, I am acting as a guardian and/or administrator*
- Yes, I am a solicitor/legal practitioner acting on behalf of a client
- Other (give details)

*Please attach authorisation documentation.

3. Respondent(s) (person you are making the complaint about)

| | | | |
|---|---|--------------------------------|----------|
| Who is your complaint about? | <input type="checkbox"/> A solicitor <input type="checkbox"/> A barrister <input type="checkbox"/> A government legal officer <input type="checkbox"/> A law practice employee <input type="checkbox"/> An unlawful operator. An unlawful operator is a person who is not a legal practitioner who engages in legal practice or otherwise represents that they are entitled to engage in legal practice. | | |
| First name(s) | Mr/Mrs/Ms/Miss | | |
| Surname | | | |
| Firm name | | | |
| Firm address | | | Postcode |
| Postal address | | | Postcode |
| Telephone number (daytime) | | Telephone number (after hours) | |
| Mobile phone number | | Fax number | |
| Email | | | |
| Who was the above respondent acting on behalf of? | <input type="checkbox"/> My behalf <input type="checkbox"/> On behalf of (please specify) | | |

Use this section if you are complaining about **more than one person**.

| | | | |
|---|--|--------------------------------|----------|
| Who is your complaint about? | <input type="checkbox"/> A solicitor <input type="checkbox"/> A barrister <input type="checkbox"/> A government legal officer <input type="checkbox"/> A law practice employee <input type="checkbox"/> An unlawful operator. An unlawful operator is a person who is not a legal practitioner who engages in legal practice or otherwise represents that they are entitled to engage in legal practice | | |
| First name(s) | Mr/Mrs/Ms/Miss | | |
| Surname | | | |
| Firm name | | | |
| Firm address | | | Postcode |
| Postal address | | | Postcode |
| Telephone number (daytime) | | Telephone number (after hours) | |
| Mobile phone number | | Fax number | |
| Email | | | |
| Who was the above respondent acting on behalf of? | <input type="checkbox"/> My behalf <input type="checkbox"/> On behalf of (please specify) | | |

4. Details of the conduct you are reporting

| | | | | | | | | | | | | | | | | | | | |
|--|---|---|--|--|---|--|--|---|-------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|--|--------------------------------|--|--|---|--|
| <p>The respondent was consulted about:</p> | <table border="0"> <tr> <td><input type="checkbox"/> Administrative law</td> <td><input type="checkbox"/> Immigration law</td> </tr> <tr> <td><input type="checkbox"/> Bankruptcy and insolvency</td> <td><input type="checkbox"/> Industrial law</td> </tr> <tr> <td><input type="checkbox"/> Building and construction law</td> <td><input type="checkbox"/> Leasing and mortgages</td> </tr> <tr> <td><input type="checkbox"/> Commercial and company law</td> <td><input type="checkbox"/> Litigation</td> </tr> <tr> <td><input type="checkbox"/> Conveyancing</td> <td><input type="checkbox"/> Personal injury and work cover</td> </tr> <tr> <td><input type="checkbox"/> Criminal law</td> <td><input type="checkbox"/> Property law</td> </tr> <tr> <td><input type="checkbox"/> Deceased estates and trusts</td> <td><input type="checkbox"/> Wills</td> </tr> <tr> <td><input type="checkbox"/> Family/de facto law</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (give details)</td> <td></td> </tr> </table> | <input type="checkbox"/> Administrative law | <input type="checkbox"/> Immigration law | <input type="checkbox"/> Bankruptcy and insolvency | <input type="checkbox"/> Industrial law | <input type="checkbox"/> Building and construction law | <input type="checkbox"/> Leasing and mortgages | <input type="checkbox"/> Commercial and company law | <input type="checkbox"/> Litigation | <input type="checkbox"/> Conveyancing | <input type="checkbox"/> Personal injury and work cover | <input type="checkbox"/> Criminal law | <input type="checkbox"/> Property law | <input type="checkbox"/> Deceased estates and trusts | <input type="checkbox"/> Wills | <input type="checkbox"/> Family/de facto law | | <input type="checkbox"/> Other (give details) | |
| <input type="checkbox"/> Administrative law | <input type="checkbox"/> Immigration law | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Bankruptcy and insolvency | <input type="checkbox"/> Industrial law | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Building and construction law | <input type="checkbox"/> Leasing and mortgages | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Commercial and company law | <input type="checkbox"/> Litigation | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Conveyancing | <input type="checkbox"/> Personal injury and work cover | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Criminal law | <input type="checkbox"/> Property law | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Deceased estates and trusts | <input type="checkbox"/> Wills | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Family/de facto law | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Other (give details) | | | | | | | | | | | | | | | | | | | |
| <p>When did the conduct you are reporting occur?</p> | | | | | | | | | | | | | | | | | | | |
| <p>If it occurred more than three years ago, please explain the reasons for the delay.</p> | | | | | | | | | | | | | | | | | | | |

If the conduct you are reporting occurred more than three years ago, your complaint can only be accepted if the Legal Services Commissioner is satisfied that:

- it is just and fair to do so, considering the delay and the reason(s) for it; or
- the complaint concerns an allegation of professional misconduct and it is in the public interest to deal with the complaint.

As a matter of fairness, the Commissioner will only accept a complaint about conduct that occurred more than three years ago after both the complainant and the respondent have had an opportunity to make submissions about whether the complaint should be accepted.

| | | | |
|---|---|---|---|
| <p>Have you tried to resolve the complaint with the respondent?</p> | <table border="0"> <tr> <td><input type="checkbox"/> Yes (give details)</td> </tr> <tr> <td><input type="checkbox"/> No (refer to the Legal Services Commission website (www.lsc.qld.gov.au) for information about communicating your concerns with your practitioner).</td> </tr> </table> | <input type="checkbox"/> Yes (give details) | <input type="checkbox"/> No (refer to the Legal Services Commission website (www.lsc.qld.gov.au) for information about communicating your concerns with your practitioner). |
| <input type="checkbox"/> Yes (give details) | | | |
| <input type="checkbox"/> No (refer to the Legal Services Commission website (www.lsc.qld.gov.au) for information about communicating your concerns with your practitioner). | | | |

5. Purpose of the complaint

| | |
|---|---|
| Why are you making this complaint? (‘x’ all applicable) | <input type="checkbox"/> To have the respondent disciplined <input type="checkbox"/> To resolve my dispute with the respondent <input type="checkbox"/> To improve my communication with the respondent <input type="checkbox"/> To have my documents/files transferred <input type="checkbox"/> To improve the service provided by the respondent <input type="checkbox"/> To receive an apology <input type="checkbox"/> Other (give details) |
|---|---|

6. Summarised details of your complaint

| | |
|---|--|
| Briefly detail the aspects of the respondent’s conduct that you are complaining about. | |
| | |
| | |
| | |

7. Full details of your complaint

For each of the main concerns you listed above, please tell us about:

- the events that have led to your complaint
- what you say the respondent did or did not do
- the date(s) of the conduct you are complaining about.

If there is not enough space on this form, please attach additional pages.

Attach copies of relevant documents to support your complaint, with a covering list of these documents. **Do not send original documents.**

If there are witnesses who can provide independent evidence that will help us deal with your complaint, please provide their names and full contact details. Say why you think they could help. (more space over page)

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Section B— Costs

If your complaint is about the costs a legal practitioner has charged you, it is important that you understand that the Legal Services Commission cannot make a determination about whether you have been overcharged.

There are two ways in which you may seek to resolve your costs dispute. Firstly, you may seek to resolve your dispute with the legal practitioner through costs mediation. The Legal Service Commission staff may be able to assist you to negotiate a quick resolution on your behalf. However, this process is entirely voluntary and the Legal Service Commission cannot require your legal practitioner to take part in the mediation or to reduce the bill.

Alternatively, if you intend to dispute the costs a legal practitioner has charged you must apply to court for a costs assessment. There is a specific procedure which you must follow and strict time limits apply. A comprehensive fact sheet which explains this procedure is available on the Legal Service Commission website or you may contact us and we will send you a copy. Legal Service Commission staff are also available to answer your questions in relation to the procedure but cannot give legal advice in relation to your costs dispute.

If this procedure results in a finding that the legal practitioner's costs were grossly excessive, the Legal Service Commission may take disciplinary action against the legal practitioner.

Section C— All complainants must complete the following declaration

Read through this form to check nothing has been overlooked and all necessary documents are attached, then sign the declaration below.

Declaration by the complainant:

I have read through this completed form and consider that, to the best of my knowledge, all of the information provided is true, correct and not misleading, and that no relevant information has been omitted.

I understand it is an offence to provide false and misleading information to the Commission.

| | | | |
|-----------|--|------|----------------|
| Signature | | Date | DD / MM / YYYY |
|-----------|--|------|----------------|

Your complaint cannot be dealt with unless you have signed this declaration.

Privacy statement

Personal information you provide on this form is used by the Commission for the purposes of administering the *Legal Profession Act 2007*. Those purposes include assessing, mediating, investigating and prosecuting complaints about members of the legal profession.

For the purposes of assessing, mediating or investigating a complaint the Commission will usually disclose your personal information to the person you are complaining about, their legal representative and the legal profession's regulatory body, either the Queensland Law Society or the Bar Association of Queensland.

If a complaint proceeds to a disciplinary hearing then your personal information will usually be disclosed to one of the disciplinary bodies, either the Legal Practice Tribunal or the Legal Practice Committee. Disciplinary hearings are open to the public.

Part of the Commission's role is to also conduct research projects aimed at protecting consumers of legal services and the public generally.

If the Commission conducts a research project you will not be identified. De-identified personal information may be disclosed to a research organisation to conduct the research project.

The Commission will not use or disclose your personal information for any other purpose not connected with the administration of the *Legal Profession Act 2007* without your consent unless such use or disclosure is required or authorised by law.

Once completed, send this form and photocopied attachments to:

Legal Services Commission
PO Box 10310
Brisbane Adelaide Street, QLD 4000

Telephone: 07 3406 7737 (Brisbane)
1300 655 754 (outside Brisbane)

Fax: 07 3406 7749

Email: lsc@lsc.qld.gov.au

Website: www.lsc.qld.gov.au

Additional assistance:

Telephone: 133 677 (If you require the use of the National Relay Service)
131 450 (If you require a translator or interpreter)