

LEGAL SERVICES COMMISSION STRATEGIC FRAMEWORK 2006 / 2007

Mission

Our most fundamental purpose is to promote and protect the rights of legal consumers in their dealings with legal practitioners and law practice employees in Queensland.

Strategies

We will pursue our mission by:

- promoting and delivering an efficient and effective system for dealing with complaints about the conduct of legal practitioners and law practice employees (and in certain limited circumstances others*);
- pro-actively initiating investigations into the conduct of legal practitioners and law practice employees (and in certain limited circumstances others) when there is reason to suspect unsatisfactory professional conduct, professional misconduct or a related offence ^;
- monitoring the delivery of legal services by incorporated legal practices;
- prosecuting legal practitioners, law practice employees (and in certain limited circumstances others*) before the disciplinary bodies and courts for apparent unsatisfactory professional conduct, professional misconduct and related offences ^;
- learning from our complaints-handling and investigatory experience and joining with other legal services stakeholders to help improve standards of conduct in the profession; and
- creating and maintaining a productive and motivating work environment.

Values

We will be:

- well informed and thorough;
- accessible and responsive to legal consumers and practitioners alike; and
- independent, fair and accountable.

* we deal with complaints about the conduct of people other than legal practitioners and law practice employees, or investigate the conduct of people other than legal practitioners and law practice employees, only in relation to alleged or suspected offences under the *Legal Profession Act 2004* and alleged or suspected breaches of the prohibition of touting and the restrictions on advertising contained in Part 1 of Chapter 3 of the *Personal Injuries Proceedings Act 2003*

^ related offences include offences under the *Legal Profession Act 2004* and breaches of the prohibition of touting and the restrictions on advertising contained in Part 1 of Chapter 3 of the *Personal Injuries Proceedings Act 2003*

OPERATIONAL PLANNING FRAMEWORK 2006 / 2007

Strategy 1:

promoting and delivering an efficient and effective system for dealing with complaints about the conduct of legal practitioners, law practice employees and in certain circumstances others

Overall performance indicator(s):

- clearance ratios (number of complaints finalized compared to number received)
- timeliness (time taken from receiving to finalizing complaints – see below)
- outcomes (for example, trends in the numbers of complaints compared to the number of practitioners, and comparisons of that data with like data in other jurisdictions; trends in the numbers of complaints that are summarily dismissed, or assessed to be consumer disputes or conduct matters; trends in the numbers and percentages of consumer disputes that are successfully mediated and of conduct matters that result in discipline applications; etc)
- stakeholder feedback

<i>activities</i>	<i>specific performance indicators, targets or standards</i>
<p>We will:</p> <ul style="list-style-type: none"> ▪ produce information about the system for dealing with complaints and make it widely available to members of the public ▪ respond to enquiries about, and give help to members of the public in making complaints ▪ receive, assess and decide how to deal with complaints ▪ mediate consumer disputes or refer them to the professional bodies for mediation ▪ investigate conduct complaints and, having investigated them, decide what further action, if any, to take on the complaints 	<ul style="list-style-type: none"> ▪ the range of information made available ▪ the usefulness of the information assessed by consumer feedback ▪ the accessibility of the Commission's services ▪ respond to 80% of inquiries within 1 working day of receipt and 100% within 2 working days ▪ finalize 80% of inquiries within 1 week of receipt and 100% within 1 month ▪ assess 80% of new complaints within 1 month of receipt and 100% within 2 months ▪ finalize 80% of consumer disputes within 1 month after assessment and 100% within 3 months * ▪ finalize 80% of investigations within 6 months after assessment and 100% within 12 months ^

OR

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| <ul style="list-style-type: none"> ▪ refer conduct complaints to the professional bodies for investigation and monitor the progress and conduct of their investigations ▪ review the recommendations of the professional bodies after they have finalized their investigations and decide what further action, if any, to take on the complaints | <ul style="list-style-type: none"> ▪ number and percentage of conduct complaints referred to the professional bodies for investigation ▪ seek status report at 3 months and at 3 monthly intervals thereafter as appropriate ▪ 80% of investigations returned to the Commission for review within 6 months after referral and 100% within 9 months ▪ finalize 80% of investigations returned by the professional bodies for review within 1 month of return and 100% within 6 months # ▪ the number and percentage of matters in which the Commission disagrees with the recommendations of the professional bodies |
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* combined with the timeliness target in relation to assessments, this means we are setting ourselves the target of finalizing 80% of consumer disputes within 2 months of first receiving the complaint and 100% within 5 months

^ combined with the timeliness target in relation to assessments, this means we are setting ourselves the target of finalizing 80% of conduct complaints that we investigate in-house within 7 months of first receiving the complaint and 100% within 14 months

combined with the timeliness targets in relation to investigations and reviews, this means we are setting ourselves the target of finalizing 80% of the conduct complaints that we refer to the professional bodies within 8 months of first receiving the complaint and 100% within 15 months

Strategy 2

pro-actively initiating investigations into the conduct of legal practitioners and law practice employees (and in certain limited circumstances others) when there is reason to suspect unsatisfactory professional conduct, professional misconduct or related offences

Overall performance indicator(s)

- clearance ratios (number of investigations finalized compared to number commenced)
- timeliness (time taken from deciding to commence to finalizing investigations – see below)
- outcomes
- stakeholder feedback

Legal Services Commission Strategic Plan 2006 / 2007

<i>activities</i>	<i>specific performance indicators, targets or standards</i>
<p>We will:</p> <ul style="list-style-type: none"> ▪ be alert to, seek out and receive information other than by complaint about possible unsatisfactory professional conduct, professional misconduct and related offences ▪ investigate the conduct and, having investigated it, decide what further action, if any, to take on the matter <p align="center"><i>OR</i></p> <ul style="list-style-type: none"> ▪ refer the conduct to the professional bodies for investigation and monitor the progress and conduct of their investigations ▪ review the recommendations of the professional bodies after they have finalized their investigations and decide what further action, if any, to take on the matters 	<ul style="list-style-type: none"> ▪ number of self-initiated investigations compared to the numbers of conduct matters overall ▪ analysis of what prompts self-initiated investigations ▪ nature and apparent prevalence of the conduct under investigation ▪ finalize 80% of investigations within 6 months of deciding to initiate an investigation and 100% within 12 months <ul style="list-style-type: none"> ▪ number and percentage of matters referred to the professional bodies for investigation ▪ seek status reports at 3 months and at 3 monthly intervals thereafter as appropriate ▪ 80% of investigations returned to the Commission for review within 6 months after referral and 100% within 9 months ▪ finalize 80% of investigations returned by the professional bodies for review within 1 month and 100% within 6 months * ▪ the number and percentage of matters in which the Commission disagrees with the recommendations of the professional bodies

* combined with the timeliness targets in relation to assessments, investigations and reviews, this means we are setting ourselves the target of finalizing 80% of the investigation matters that we refer to the professional bodies for investigation within 7 months of our deciding to initiate an investigation and 100% within 15 months

<p>Strategy 3 monitoring the delivery of legal services by incorporated legal practices *</p> <p>Overall performance indicator(s) (to be developed in due course)</p>	
<i>activities</i>	<i>specific performance indicators, targets or standards</i>
<p>We will:</p> <ul style="list-style-type: none"> ▪ audit whether incorporated legal practices, their legal practitioner directors and employees are complying with their legislative obligations ▪ audit how incorporated legal practices and their legal practitioner directors manage and supervise the delivery of legal services by the practice 	<p><i>to be developed in due course *</i></p>

* the provisions of the *Legal Profession Act 2004* dealing with incorporated legal practices had not come into effect when this strategic framework was prepared but we anticipate they will come into effect by or during the 2006-07 reporting year. We will update the strategic framework soon thereafter.

Strategy 4

prosecuting legal practitioners, law practice employees and in certain circumstances others before the disciplinary bodies and courts for apparent unsatisfactory professional conduct, professional misconduct and related offences

Overall performance indicator(s)

- timeliness (time taken from decision to initiate discipline applications to final orders – see below)
- outcomes (number successful vis-à-vis unsuccessful prosecutions)
- cost (the number and percentage of prosecutions briefed-out, and dollar cost)
- cost recovery (amount recovered by reason of costs order and fines)
- stakeholder feedback

<i>activities</i>	<i>specific performance indicators, targets or standards</i>
<p>We will:</p> <ul style="list-style-type: none"> ▪ decide whether to conduct each prosecution in-house or brief it out ▪ settle the charges and initiate proceedings in the disciplinary bodies and courts ▪ prepare for, and then either appear or instruct at hearings ▪ decide whether to appeal (and, if that is the decision, either appear or instruct at the appeals) ▪ update the discipline register as appropriate ▪ monitor compliance with orders 	<ul style="list-style-type: none"> ▪ number and dollar cost of prosecutions briefed out <p>Timeliness targets within the Commission's control:</p> <ul style="list-style-type: none"> ▪ from decision to initiate a discipline application to filing: 80% within 3 weeks and 100% within 6 weeks ▪ from filing to serving: 80% within 2 weeks and 100% within 3 weeks <p>Timeliness target overall:</p> <ul style="list-style-type: none"> ▪ from decision to initiate a discipline application to the matter being finally decided (including on appeal): 80% within 8 months and 100% within 12 months

Strategy 5

learning from our experience in dealing with complaints and joining with other legal services stakeholders to help improve standards of conduct in the profession

Overall performance indicator(s)

- stakeholder feedback
- trends in complaints data (for example, year by year comparisons of numbers of new complaints of particular kinds, or numbers received in particular areas of law)

<i>activities</i>	<i>specific performance indicators, targets or standards</i>
<p>We will:</p> <ul style="list-style-type: none"> ▪ analyze our data base to identify the practices and practitioners most at risk of complaint ▪ contribute speakers to and otherwise support undergraduate and continuing legal education programs directed to standards of conduct in the profession ▪ facilitate, broker, undertake and partner the professional bodies, law schools and others in practical research directed to improve standards of conduct in the profession ▪ contribute to the development of legislative and regulatory reforms and policy directed to improve standards of conduct in the profession 	<ul style="list-style-type: none"> ▪ the usefulness of the analysis assessed by stakeholder feedback ▪ the numbers of speaking engagements ▪ the type and range of audiences ▪ the number of research projects / activities ▪ the type and range of research projects / activities ▪ the number and range of research partners ▪ the number and range of submissions

<p>Strategy 6 creating and maintaining a productive and motivating work environment</p> <p>Overall performance indicator(s)</p> <ul style="list-style-type: none"> ▪ staff feedback 	
<i>activities</i>	<i>specific performance indicators, targets or standards</i>
<p>We will:</p> <ul style="list-style-type: none"> ▪ monitor team climate, identify aspects of the work environment that might require improvement, plan the appropriate improvements and implement those plans ▪ have effective and efficient office systems in place to support us in our work ▪ ensure we have regular professional development planning meetings with our managers and follow through on our agreed professional development plans 	<ul style="list-style-type: none"> ▪ team climate assessed by staff feedback ▪ improvements identified as desirable ▪ improvements achieved ▪ staff feedback ▪ all staff to have at least 1 professional development planning meeting and 1 review meeting with their managers per year ▪ all staff to undertake at least 2 days of professional development activities per year