

Legal Services Commission

2013-14 Annual Report

effective regulation

ethical workplace cultures



high standards



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Abbreviations

Abbreviation	Description
BAQ	Bar Association of Queensland
ILP	Incorporated Legal Practice
LPA	Legal Profession Act 2007
LPC	Legal Practice Committee
LSC	Legal Services Commission
MDP	Multi-disciplinary partnership
PIPA	Personal Injuries Proceedings Act 2002
QCAT	Queensland Civil and Administrative Tribunal
QLS	Queensland Law Society
LSC/Commission	Legal Services Commission

31 October 2014

The Honourable Jarrod Bleijie
Attorney-General and Minister for Justice
Level 18 State Law Building
50 Ann Street
Brisbane Qld 4000

Dear Attorney

I am pleased to provide you with the Legal Services Commission's annual report for the reporting year 2013-14. This is our tenth annual report since the Commission commenced on 1 July 2004.

The *Legal Profession Act 2007* (the LPA) requires that the report 'deals with the system established under the LPA for dealing with complaints'. In my view the report achieves that requirement and deals similarly with the Commission's performance of our core functions, the work we are doing to support us in our service delivery roles and to ensure that the Commission meets high standards of transparency and accountability.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Robert Brittan', written in a cursive style.

Robert Brittan
Acting Legal Services Commissioner

Our purpose

The LSC has two fundamental and overlapping purposes:

- to give users of legal services an independent, timely, effective, fair and reasonable means of redress for complaints and
- to promote, monitor and enforce appropriate standards of conduct in the provision of legal services.

These two purposes serve the even more fundamental purpose to help protect and promote public confidence in the legal system, the administration of justice and the rule of law.

We seek to achieve our purposes by:

- negotiating outcomes to consumer complaints which as far as possible 'put things right' between complainants and their lawyers
- investigating complaints which involve a disciplinary issue or a contravention of relevant law
- initiating 'own motion' investigations into conduct we have reasonable grounds to believe may involve a disciplinary issue or other significant wrongdoing
- supporting and as appropriate auditing law firms to help them develop and maintain appropriate management and supervisory systems and an 'ethical infrastructure'
- initiating disciplinary or other enforcement action when it is warranted by the evidence after investigation and in the public interest
- engaging with, and sharing knowledge and perspective with the profession, consumers and stakeholders to help improve standards of conduct in the provision of legal services
- creating and maintaining a productive, motivating and professional work environment.

Our values

We do our best not to impose any needless regulatory burden on lawyers and law firms but to direct our regulatory resource to where it is most needed and can have the most beneficial impact in the public interest. We will not be shy of taking disciplinary or other enforcement action but will take an educative and preventative approach wherever possible and appropriate.

We value our independence but equally we will be responsive, open and consultative.

We will be well-informed, focussed, determined, fair and accountable.

Commissioner's report

I am pleased to provide this report as the Acting Legal Services Commissioner. Although I have only been in an Acting role for two months approximately of this reporting year I am confident that the report that follows captures what work we have done to achieve our purposes.

It includes quite detailed quantitative data describing our throughputs in 2013-14, the outcomes we achieved, the timeliness with which we achieved them and other information which we hope will assist you in understanding what we do and how we perform our role.

Firstly I would like to acknowledge and thank the former Commissioner, Mr John Briton, who devoted considerable time and effort in seeking to achieve our purposes and values as reflected in this report.

Our focus on effective regulation for the future

The previous annual report dealt with the Commission's history in some detail and advanced certain arguments for legislative reform. Much time was spent arguing for change. I do not propose to revisit those issues in this report but more importantly seek to reflect upon what we see as effective regulation for the future. Particularly so in the last two months of this reporting year we recognised with the appointment of a new Commissioner an opportunity to refine and refresh our approach to regulation.

The Legal Services Commission plays an integral role in the regulation of the provision of legal services in Queensland along with the Legal Practice Admissions Board, the Queensland Law Society, the Bar Association of Queensland, the disciplinary bodies and the courts. We recognise that the core responsibilities in supporting the statutory objectives of the *Legal Profession Act 2007* (LPA) are:

- assisting consumers with inquiries and informally resolving disputes with lawyers and law practices about legal services
- receiving complaints and undertaking investigations about lawyers, law practice employees and unlawful operators
- undertaking 'own motion' investigations in the public interest
- pursuing disciplinary or other litigation arising from investigations
- supervising the compliance of law practices with the LPA and professional obligations.

Whilst the Commission will concentrate on these core responsibilities moving forward and as part of our strategic plan which has been reviewed for 2014-16 we will continue to focus on improving billing practices within the profession. Though our role remains unchanged from what we have set out in previous annual reports and strategic plans, we recognise that we should always seek to improve.

The key pillar of our Strategic Plan 2014-16 is to be an effective regulator. The Commission's approach as it has always been is to seek better regulation not more regulation. Ultimately effective regulation not only helps consumers but also lawyers in providing competent legal services, improved professionalism and ethical decision making. In order to improve the effectiveness of our regulation and efficiency with which we perform our core business we need to continue to find better ways of doing things. Given the changing environment in which we operate we cannot achieve this if we rely on doing things the same way as we did before.

We will review our operations to identify any improvements that can be made to the standard of regulation and how the current regulatory framework can better promote the statutory objectives in the public interest. We want to make sure that the way we regulate is in accordance with best

regulatory practice and principles. In particular we are exploring ways in which we can secure good outcomes but with less regulatory burden on practitioners. As part of our new initiatives we will continue with our efforts to connect and engage with lawyers, legal academics, consumers and members of the public more generally by reviewing the look of our website and updating our website content to allow us to share information with consumers and stakeholders more effectively.

We have embarked upon detailed discussions with the Queensland Law Society (QLS) and the Bar Association of Queensland (BAQ), two very important stakeholders in this process, to explore ways in which we can improve the effectiveness of our regulation and the efficiency in which we perform our core business.

Specifically we are in consultation with the QLS to determine whether we can, at an early stage, identify those practitioners that may be at risk of further complaint and therefore issue subsequent to any information that we may have collected through our monthly performance reports, risk alert letters to those practitioners. The QLS has embarked upon a project composing and publishing to the solicitors' branch of the profession within Queensland guidance statements pertaining to professional conduct. It is intended that those statements will be authoritative to the contents. The Legal Services Commissioner will contribute to that process and it is hoped that if the guidance statement meets with our approval it would be issued jointly by both the Commission and the QLS.

We have also reviewed our complaint handling process such as our initial acknowledgement correspondence to complainants and our formal notification of the complaint to practitioners. Although we have published various fact sheets relative to our role at the Commission we saw room for improvement.

Accordingly we have formulated two further documents titled 'Information for Complainants' and 'Information for Respondents'. These documents contain important information to all parties about our process, our role, what we expect, what they can expect from us, their respective obligations and rights and the complaint/investigation process in general. They will be provided to complainants with their initial acknowledgement letter from the Commission and to respondents when they are notified of that complaint.

In our view this is an important new initiative which we hope will be more informative about our role, limit inconvenience to all parties to the process, lessen anxiety, save costs and ultimately result in a more timely outcome.

National Uniform Law

In previous annual reports significant discussion ensued in relation to the National Law. I note that in July 2014 at the Law Crime and Community Safety Council meeting all of the state Ministers noted the value of the continual development of a seamless legal profession across Australia through a state and territory based model. The non-participating jurisdictions agreed that they would consider implementing the uniform law developed by Victoria and New South Wales. It was further noted that the non-participating states will monitor development in Victoria and New South Wales and will generally support the continued development of the seamless legal profession across Australia throughout state and territory based legislation provided that the regulatory arrangements are in the interests of their respective public and legal professions as a whole. I note that at the time of writing this report a Uniform Legal Services Commissioner has been appointed. I will be pleased to enter into meaningful discussions with him in relation to the National Law.

We will continue to engage constructively and collaboratively with all our stakeholders to ensure the development of a seamless legal profession.

Our achievements

It has been somewhat of an eventful year. We have published regulatory guides, e- newsletters, conducted surveys, arranged symposia, presented papers, attended many speaking engagements and reviewed our processes. Specific details of our work can be found at pages 25 -28 of this report. I would like to thank all staff of the Commission who contributed to these initiatives.

It has been an unfortunate occurrence that the disciplinary bodies have been unable to hear many matters this reporting year. We had on hand 65 matters awaiting prosecution as at 1 July 2013. Only 10 matters have been heard since 1 July 2013. Further details of these matters are contained in this report under the Disciplinary and Other decisions heading. Four practitioners were struck off for dishonesty offences including some for failures to honour undertakings with all other practitioners being reprimanded and fined or ordered to pay compensation. Details of their conduct can be found commencing on page 19 of this report. We will no doubt have a more eventful reporting year ahead with many prosecutions yet to be heard and finalised.

The Commission has achieved commendable results in obtaining redress for consumers. Details are provided under the heading Consumer Redress on pages 47-48 suffice to say that the Commission obtained refunds or waiver of legal costs of approximately \$620,000. That is a significant achievement. The disciplinary bodies ordered compensation to be paid in the sum of \$33,500 and further redress was obtained by the Commission of some \$19,998 relating to matters in their prosecution stage at the Commission which did not proceed as financial redress was ultimately paid by those practitioners.

This year there were 480 solicitors subject to investigation compared to 413 the year before and 33 barristers compared to 19 last year. Whilst there was no particular trend, matter natures such as billing practices, quality of service and general ethical conduct featured of most concern. Family law, conveyancing and deceased estates featured again as the major complaint areas of law with personal injuries close behind.

However in matters commenced by way of 'own motion' or as described as Investigation matters under the LPA personal injuries and Workcover litigation featured prominently on 42 or 31.34% of all matters, generally to do with concerns relating to the *Personal Injuries Proceedings Act 2002* (PIPA). Trust account breaches also featured prominently on 34 or 25.37% of all matters. Further details are noted on pages 40-41 of this report.

We had 455 complaints on hand as at 1 July 2013. We received a further 1016 complaints. We summarily dismissed 404 of those and closed an additional 541 matters. We also closed 134 investigation matters. We had 392 complaints/investigation matters on hand as at 30 June 2014. We haven't been idle. The staff of the Commission are to be congratulated for this clearance ratio. The total matters on hand however including those at the QLS and BAQ including our audit files managed through our compliance team, such as self assessment audits or on site reviews as at 30 June 2014 total some 499. This figure accurately reflects our current open matter files.

Our thanks

I would like to thank the many persons who have contributed to and engaged in discussions with us and who have supported and encouraged us by providing advice, contacting us with ideas, commenting on draft documents, participating in surveys, ethics checks, and attendance at symposia as all of these are important relationships for us and all assist us in being an effective regulator. Through our relationships we are able to better communicate what we know and so drive improvements within the profession as well as inform policy or debate.

I want to acknowledge and thank our colleagues at the QLS, particularly the current President Ian Brown and CEO Noela L'Estrange who have welcomed me into this role and been supportive during this interim period of change. My thanks also to Robyn Martin CEO of the

BAQ and their President Shane Doyle for their support. I also wish to acknowledge our colleagues at the Department of Justice and Attorney-General and their finance delegates for their assistance given to me in this reporting year.

Specifically I wish to thank the Director-General John Sosso and the Attorney-General the Honourable Jarrod Bleijie who have always been available to meet with me and listen to any issues of concern.

Most importantly though I want to thank and acknowledge my Executive Assistant Terri Newman and all of the staff of the Commission who have contributed to its success in ensuring that it continues to be a good place to come to work where the workplace culture is one of respect, innovation, openness, collegiality and performance.

Robert Brittan
Acting Legal Services Commissioner

Delivering an efficient and effective system for dealing with enquiries and complaints

This is our core regulatory function and our strategy is to ensure that we provide a high quality and professional service to all those we deal with, consumers, complainants and lawyers equally.

The Commission provides an enquiry service to assist members of the public with preliminary queries relating to the client/lawyer relationship and the complaints handling process in general. These first contact enquiries are usually made by telephone but can also be made in writing, emailed or in person. When an enquiry is received which suggests that a dispute can be addressed promptly, informally and without the need for written complaint, it is then handled by the Commission's Dispute Resolution Team.

The Dispute Resolution Team use direct discussions with lawyers and the consumer over the phone, in person or by email to, where possible, resolve the dispute. They handled 1451 enquiries this year a commendable performance. The enquiries data on page 35 of this report and those enquiries dealt with during this reporting year unfortunately do not accurately reflect all enquiries made to the Commission. When a review was undertaken after the Acting Commissioner's appointment in May of 2014 it was identified that we needed to refine our capacity to interrogate our database to accurately reflect the information that we were recording. It was noted by manual recording that there were over 280 first contact enquiries made with our client support officers administrative area in June 2014. Such information will now be reflected in the forthcoming year and in the annual report as an accurate recording of the enquiry service which the Commission provides to assist members of the public with preliminary enquiries relating to the client/lawyer relationship and the complaints handling process in general. This reporting feature will in the future be defined as first contact enquiries. This is a new initiative which reflects the actual service we provide which we hope will achieve a higher quality in professional service with all those we deal with. This process will continue to be reviewed as will the Commission's organisational structure.

The LPA describes its main purpose as 'to provide for the protection of consumers of the services of the legal profession and the public generally'. It describes the main purposes of the system for dealing with complaints as 'to promote and enforce the professional standards, competence and honesty of the legal profession' and to 'provide for the discipline of the legal profession'.

We achieve these purposes by investigating complaints which involve a disciplinary issue, initiating 'own motion' investigations, conducting compliance audits of incorporated legal practices, commencing disciplinary or other enforcement action and engaging with stakeholders.

The LPA requires that complaints which involve an issue of unsatisfactory professional conduct or professional misconduct are fully and properly investigated. It allows us either to conduct the investigations ourselves or refer complaints to the QLS and the BAQ for investigation but limits the role of the QLS and BAQ in those circumstances to recommending what further action, if any, the Commissioner should take on those complaints.

The Commissioner has only two options having investigated a complaint or having received and considered the recommendation from the QLS or the BAQ, either to dismiss the complaint or if the Commissioner decides there is a reasonable likelihood of a finding by a disciplinary body of

unsatisfactory professional conduct or professional misconduct and that it is in the public interest to do so to initiate a disciplinary proceeding.

There are various reasons why the Commissioner might decide there is no public interest in initiating a disciplinary proceeding notwithstanding an investigation finds evidence of unsatisfactory professional conduct or professional misconduct. It may be, for example, that the conduct is of a minor kind only, that the lawyer has acknowledged his or her error, that there is no need to send a message to the profession about the issue and that the lawyer has corrected that error with the complainant and indeed may well have provided some appropriate redress such as a refund or/and apology.

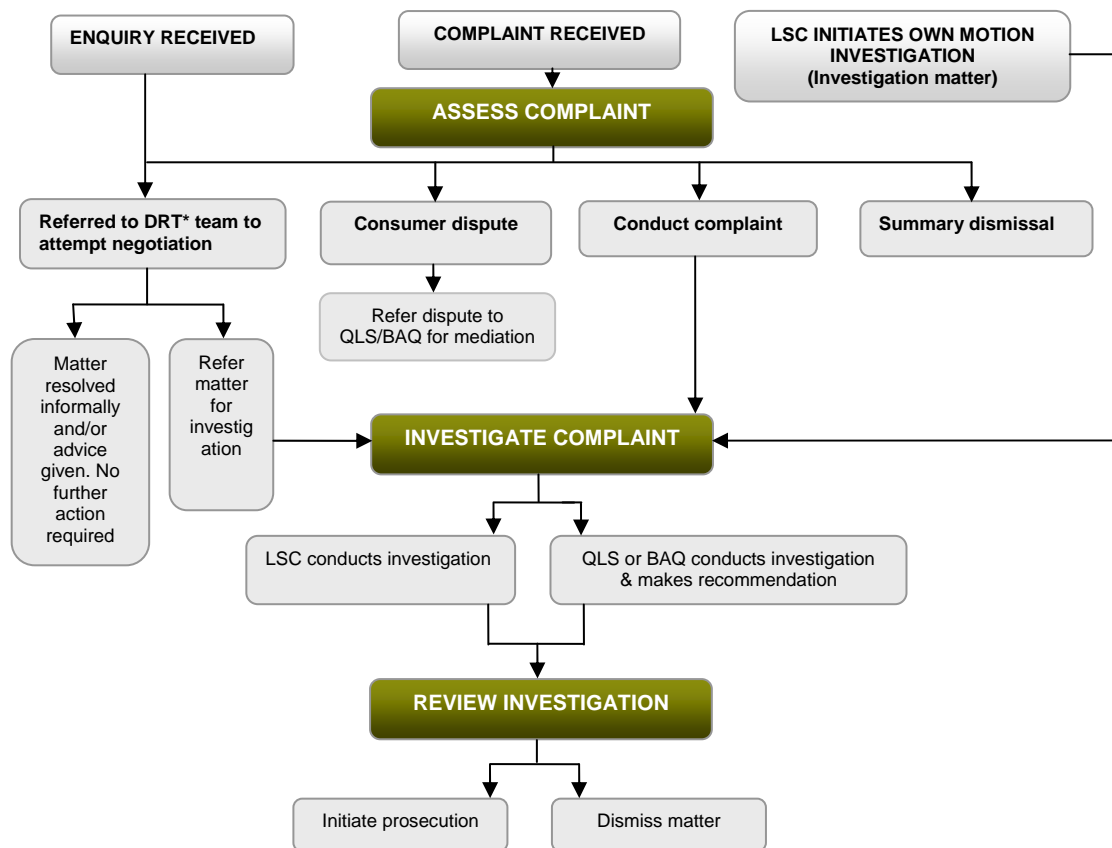
We describe the system for dealing with complaints on the Commission’s website in great detail, see link to [Complaints](#). The LPA requires us to produce information about the making of complaints and the procedure for dealing with complaints to:

- ensure that information is available to members of the public on request
- give help to members of the public in making complaints
- deal with complaints as efficiently and expeditiously as is practicable.

We assess our performance having regard to our clearance ratio and our timeliness in bringing matters to conclusion. Suffice to say that we had 455 matters on hand as 1 July 2013 and received an additional 1016 complaints this year. We closed 1079 matters leaving 392 on hand as at 30 June 2014 a very good outcome. There is more comprehensive statistical timeliness data identified in the tables on page 35 onwards.

The system can best be summarised diagrammatically as in the flowchart below.

Enquiry and complaint handling flowchart



* Dispute Resolution Team (DRT)

We have written a series of plain English fact sheets which describe how we deal with complaints and how to make and for lawyers how to respond to a complaint amongst other information. There are currently 15 fact sheets which also include answers to frequently asked questions about our complaint handling and investigation process. They are readily available both in hard copy and on our website at [Fact Sheets](#), and are listed below:

- Communicating with your Lawyer
- Ten questions to ask your lawyer about costs
- Making a Complaint
- Information for Complainants
- Information for Respondents
- Negligence
- Compensation Orders
- Discipline Applications
- Discipline Hearings
- Communicating with your Client
- Responding to a Complaint
- Avoiding Complaints
- No win-no fee cost agreement consumer guide

We have also published in consultation with the QLS two fact sheets to do with costs titled 'Your Right to Challenge Legal Costs' and 'Legal Costs Your Right to Know'. These will be updated and reviewed when appropriate. These fact sheets assist all parties to that process but in particular the consumers of legal services to assist them in understanding their rights.

Proactive regulation 'own motion' investigations

The LPA authorises us to commence an investigation into the conduct of a lawyer, law practice employee or unlawful operator without having received a complaint i.e. an 'investigation matter' or the terminology which we use generally as an 'own motion' investigation, 'if the Commissioner believes an investigation about a matter should be started' and the Commissioner has come to that belief 'on grounds that are reasonable in the circumstances'.

Similarly the LPA authorises us to start an investigation into the conduct of a lawyer or for that matter anyone else the Commissioner reasonably suspects may have contravened the PIPA by touting at the scene of an accident or advertising personal injury services contrary to the restrictions set out in chapter 3, part 1 of that Act.

We have published our '[Own Motion Investigations](#)' policy on the Policies page of our website which sets out the factors the Commissioner takes into account in deciding whether to commence an 'own motion' investigation. We assess our performance having regard among other things to our clearance ratio; our pro-activity as assessed by the number of 'own motion' investigations we commence expressed as a percentage of the number of conduct matters overall; the reliability of the risk assessments that underpin our decisions to commence 'own motion' investigations as assessed by the outcomes of our investigations; the extent to which we identify systemic issues and then implement appropriately targeted remedial strategies; and of course the feedback we get from parties to this process.

See particularly pages 40-41 which reflects the quantitative data relating to the 134 investigation matters dealt with at the Commission this reporting year.

An 'own motion' investigation may be started as a result of information received from:

- a compliance audit of an incorporated legal practice
- a trust investigation

- a report from a court or tribunal about a lawyer's conduct in the course of proceedings
- a report about a lawyer's conduct from the Director of Public Prosecutions, Queensland Police Service, the Office of Fair Trading and other like agencies
- a report in the media about a lawyer or other person over whom we have jurisdiction
- a review of advertisements of law firms and law firm websites for compliance with the restrictions of the advertising of personal injury services
- and on some occasions anonymous sources.

The power to commence an 'own motion' investigation is therefore an important one. It enables the Commissioner to investigate conduct that has not attracted a complaint and in those circumstances it is an important consumer protection power which meets a number of the regulatory objectives.

Compliance audits

The LPA allows lawyers to practice as sole practitioners and in partnerships with other lawyers and since 1 July 2007 under a company structure as incorporated legal practices (ILPs) and in partnership with members of other professions described as multi-disciplinary partnerships (MDPs).

The LPA requires us to regulate the provision of legal services by ILPs and MDPs in the same way we regulate the provision of legal services by any other lawful firm by responding to complaints and if we suspect all is not as it should be, initiating 'own motion' investigations. Notably, the LPA requires ILPs to only have one legal practitioner director and indeed imposes obligations on that legal practitioner director over and above their usual professional obligations as lawyers. Crucially it requires them:

- To keep and implement the appropriate management system to enable the provision of legal services by the practice under the professional obligations of Australian legal practitioners.
- To take all reasonable action to ensure that lawyers who work for the firm comply with their professional obligations.
- To take appropriate remedial action should lawyers who work for the firm fail to comply with their professional obligations.

Therefore legal practitioner directors are to be responsible for ensuring that their firms have the ethical infrastructure necessary in the circumstances of their own particular practice to provide competent and ethical legal services, governance and supervisory arrangements, the policies, work practices and workplace culture more generally.

Section 130 of the LPA empowers the Commissioner to conduct an audit (a compliance audit) of an ILP about:

- Compliance of the practice and of its officers and employees with the requirements of the LPA or regulation, the legal profession rules or the administration rules so far as they apply to the ILPs.
- The management of the provision of legal services by the ILP, including the supervision of the officers and employees providing the services.

Compliance audits are one of several regulatory tools available to us. The Commission uses compliance audits for a number of reasons including preventing, detecting or deterring conduct which may amount to unsatisfactory professional conduct or professional misconduct.

The Commissioner has, by agreement with the QLS, accepted primary responsibility for auditing ILPs. The responsibility to audit a law practice's trust account continues to be the responsibility of the QLS.

Our performance

In the past 12 months we have conducted two kinds of audits such as self-assessment audits and onsite reviews. We had 41 self assessment audits on hand as at 1 July 2013 and 18 on site reviews. We opened 150 self assessment audit files and one on site review file this year. We closed 100 self assessment audits and 3 on site reviews leaving 91 self assessments and 16 on site reviews to be finalised. However, in light of our goal to undertake a review of the Commission's processes we will be changing our approach in the next year in relation to these types of audits.

It is our belief that our compliance audits cover a full spectrum from supporting and educating ILPs to comply with the LPA to practice audits using our extensive coercive powers on those who we have identified to be at the greater risk of non-compliance. Our approach is governed by six fundamental criteria. These are that compliance audits should be:

- Be credible and robust.
- Be proportionate.
- Add value and to engage with legal practitioner directors with problem solving as to how they might best develop and continually improve their management systems, processes and workplace cultures to establish ethical infrastructure.
- Be consistent with the Commission's education towards compliance approach to regulation which is aimed at promoting higher standards (compare to the traditional regulatory approach which is geared to enforcing minimum standards).
- Not add any regulatory burden to incorporated legal practices unless there is some demonstrable risk-related reason that justifies a more intrusive approach.
- Allow for the fact that we will inevitably have limited resources.

Who and when we decide is determined by a number of factors including:

- When a law practice commences an ILP.
- The time since our last interaction with an ILP.
- Analysing information based on a range of evidence including a firm's complaints history, the firm's self-assessment audit and the kinds of practice areas and aspects of practice that are most at risk.

We will focus our ILP compliance activities on the following areas:

- legal costs and billing practices
- supervision
- non-compliance with costs disclosure obligations
- failure to provide reasonable estimates
- implementation of appropriate management systems.

Future regulatory initiatives

As a result of a review of our compliance role the Commission intends to broaden its supervisory activities over the next two year period through increased monitoring of complaints and other data. This strategy is a further step in development of the Commission's proactive approach to management-based regulation. In particular we intend to:

- Refine the Commission's self assessment audit program with the development of a risk-based and proportionate approach.

- Develop a new self assessment audit form to better promote appropriate management systems.
- Implement risk alert letters. The Commission intends to routinely review its records to identify practices (both ILP and non-ILP) which have had enquiries or complaints made against practitioners in the previous 6-12 months. Once identified, the Commission will send a risk alert letter to those practices which sets out the nature of the enquiries/complaints received and invites the practitioner in charge of the firm to consider ways to reduce the practice's exposure to such complaints. It is hoped that this notification will provide practices with the knowledge they need to address the cause of the complaints. We see this as a useful and innovative way to interact with the profession to prevent further complaints from arising and to so be an "effective" regulator.
- Implement a program of management based regulation to divert practitioners from disciplinary proceeding.
- Undertake further compliance audits and investigation matters focussing on the management and supervision of law practices.

We look forward to reporting on these new initiatives next year.

Undertaking fair and consistent disciplinary or enforcement activities

The LPA gives the Commissioner sole authority to decide what action, if any, to take on a conduct complaint or 'own motion' investigation after the matter has been investigated and wide discretion in the exercise of that authority. It authorises the Commissioner to dismiss or take no further action on a complaint or 'own motion' investigation if 'there is no reasonable likelihood of a finding by a disciplinary body of unsatisfactory professional conduct or professional misconduct [or] it is in the public interest to do so', or alternatively to make a discipline application to a disciplinary body 'as the Commissioner considers appropriate'. We have published [Discipline Application Guidelines](#) on the Policies page of our website which describe the factors we take into account in exercising those discretions.

Similarly the Commissioner is the sole prosecuting authority under the LPA. We prosecute discipline applications in the Queensland Civil and Administrative Tribunal (QCAT) in relation to more serious matters and in the Legal Practice Committee (LPC) in relation to less serious matters. We are also responsible for prosecuting under the LPA including for example the offence of engaging in legal practice when not entitled and certain offences under the PIPA including, for example, touting at the scene of an accident. We would prosecute these matters in the Magistrates Court as we did in a recent matter decided at the time of writing this report of *LSC v Reichman*.

In that case Mr Reichman had appeared in a Magistrates Court on a number of occasions and represented that he was a solicitor. He was in fact a law graduate from a University but not admitted. Mr Reichman was charged with and pleaded guilty to two offences - one under section 24 of the LPA by engaging in legal practice when he was not entitled - and the second under section 25 of the LPA by the use of social media to hold himself out so that the public accessing such social media would believe that he was a legal practitioner. He was ordered to pay a fine of \$1000 together with costs. No conviction was recorded.

The Commission has commenced similar prosecutions in the past and the full details of these matters can be located at the [Disciplinary and other relevant regulatory decisions](#) page on our website.

Further we are not confined to a prosecutorial role. The LPA authorises the Commissioner to apply to the Supreme Court to grant an injunction restraining a person from contravening the LPA, or aiding, abetting, inducing or attempting to induce a person to contravene the LPA or relevant regulatory legislation. Further, the Commissioner is free to initiate civil litigation in the public interest including, for example, by applying to the Supreme Court for a declaration which may clarify the proper meaning of a term or terms in the LPA.

Civil litigation matters

Civil litigation matters comprise matters opened by the Commission when it becomes involved in civil proceedings, whether on the Commission's initiative or otherwise e.g. when the Commissioner is the applicant or respondent to an originating application or when the Commissioner seeks a declaration as to the proper meaning of a term or terms in the LPA or when responding to subpoenas or applications for third party discovery.

Assessing and reviewing our performance

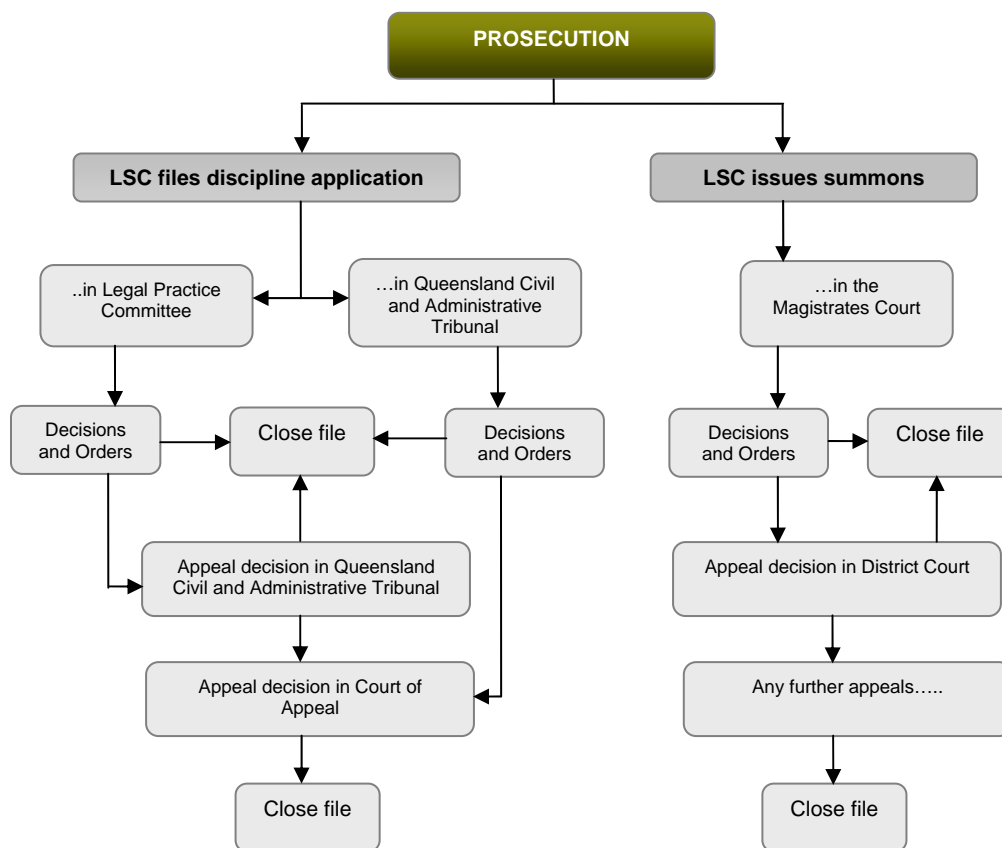
We assess our performance of our prosecutorial and other enforcement functions having regard primarily to the findings of the disciplinary bodies and the courts and in particular to the number and proportion of matters in which we succeed. Unfortunately for the last reporting year, due to

panel members not being appointed and or the unavailability of members to sit on the disciplinary panels, there have been only 10 matters heard and decided in this reporting year. This is disappointing and has resulted in the back log of cases having to be heard by the QCAT and the LPC in the next reporting year.

In the past year as part of our continual improvement process and our focus on being fair and consistent in our approach to disciplinary or enforcement activities we reviewed various matters that progressed through our internal prosecutorial matter stages. We entered into meaningful discussions with potential respondents or their lawyers to those intended applications. As a result of that process 12 potential prosecution matters were reconsidered.

After further meaningful discussion and after appropriate redress or apologies were offered the Commissioner decided that there was no public interest in pursuing these matters further. In our view, being an effective regulator depends in part on how well we use our disciplinary and enforcement powers. This strategy focuses on ensuring that when disciplinary or enforcement action is needed the Commission's actions are fair, proportionate and consistent.

Prosecution flowchart



The Discipline register

The LPA requires the Commissioner to keep a discipline register on the Commission's website of disciplinary action taken under the LPA. It requires that the register includes the names of the practitioners against whom discipline action was taken, the names of their law firms and the particulars of the disciplinary action.

It defines disciplinary action to mean 'findings of a disciplinary body or a court of professional misconduct'. We keep the register as required, keep it up to date and in every case include a link to the disciplinary bodies' or the courts' written judgment and reasons.

We have also created a [Disciplinary and other relevant regulatory decisions](#) page on our website entirely separate to the discipline register which includes links to decisions of the disciplinary bodies and the courts which made findings of unsatisfactory professional conduct but not of professional misconduct. It includes links also to other decisions relevant to the regulation of the provision of legal services, including decisions in our civil litigation matters. This information appears below.

Disciplinary and other relevant regulatory decisions

QCAT prosecutions heard and decided

Legal Services Commissioner v King and King No.2

Name:	KING, Karen Louisa
Practitioner type:	Solicitor
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Wednesday, 20 November 2013
Findings:	Guilty of professional misconduct on 2 charges. Guilty of unsatisfactory professional conduct on 2 charges.
Penalty:	Struck off. Respondent to pay the costs of the Commissioner.
Appeal:	No
Report/s:	KING-QCAT13-260.pdf King-QCATOCR257-10.pdf

King was charged with numerous charges including a failure to honour an undertaking, failure to cooperate with the Commission, wrongfully withdrawing money from her trust account and a failure to supply itemised accounts. The matter was contested with the practitioner also giving evidence. Findings were made against her in respect of these matters. She was found to have lied in her evidence before the Tribunal and she was removed from the roll of practitioners.

Legal Services Commissioner v Urban

Name:	URBAN, Chandrika Achala Devi
Practitioner type:	Solicitor
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Tuesday, 1 October 2013
Findings:	Guilty of professional misconduct on 9 charges. Guilty of unsatisfactory professional conduct on 6 charges.
Penalty:	Struck off. Respondent to pay costs of the Commissioner. Respondent to pay compensation of \$6185.
Appeal:	No
Report/s:	URBAN-OCR368-12.pdf

In this case the respondent charged excessive legal costs, breached an undertaking, illegally transferred funds from trust, failed to properly administer a trust account, misappropriated trust funds, borrowed money from a client, failed in her professional obligations to her client and failed to comply with numerous notices issued during the course of the investigations.

His Honour, Justice Wilson, said in his decision, *“It would, the Tribunal accepts, undermine public confidence in the legal profession if Ms Urban continued to be held out as a fit and proper person. Removal from the roll is, plainly, compelling and necessary.”*

Legal Services Commissioner v Hiro Sano

Name: SANO, Fusanobu Hiro
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Friday, 30 August 2013
Findings: Guilty of professional misconduct on 1 charge.
Penalty: Publicly reprimanded. Pay fine of \$4000. Respondent to pay costs of Commissioner of \$2500.
Appeal: No
Report/s: [SANO-OCR311-12.pdf](#)

This decision highlights the serious nature of attesting to witnessing a document when it was not signed in the practitioner's presence.

Legal Services Commissioner v Rowell

Name: ROWELL, Peter Arthur
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Friday, 30 August 2013
Findings: Guilty of professional misconduct on 4 charges.
Penalty: Struck off. It is recommended that the name of the respondent be removed from the local roll in NSW. Respondent to pay costs of the Commissioner of \$2000. Respondent to pay compensation of \$7500.
Appeal: No
Report/s: [ROWELL-OCR207-12.pdf](#)

In this matter the practitioner practised without the appropriate level practising certificate, failed to inform a client about a hearing date, consented to an order without a client's instructions, failed to respond to notices and failed to appear at the disciplinary hearing.

Legal Services Commissioner v Lee

Name: LEE, John William
Practitioner type: Barrister
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Tuesday, 27 August 2013
Findings: Guilty of professional misconduct on 5 charges.
Penalty: Publicly reprimanded. Pay fine of \$5000. Pay costs of Commissioner. Conditions imposed by BAQ on practising certificate continue for a further 3 years. Non-publication order refused.
Appeal: No
Report/s: [LEE-OCR205-12.pdf](#)

This case highlights the obligations of practitioners to lodge their income tax returns and to declare any previous convictions for tax offences as required under the LPA as a Show Cause Event. The obligation resting upon lawyers to meet public and civic obligations in their tax affairs has been stated in clear terms in many other previous decisions concerning this conduct.

Legal Services Commissioner v Chai

Name: CHAI, Francis Ynong Toh
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Monday, 1 July 2013
Findings: Guilty of professional misconduct on 5 charges.
Penalty: Publicly reprimanded. Pay fine of \$5000. Pay costs of Commissioner. Must comply with statutory notices issued in the course of the investigation before practising certificate is granted.
Appeal: No
Report/s: [CHAIOCR235-12.pdf](#)

This decision highlights the necessity for practitioners to cooperate with an investigation. Mr Chai failed to respond to notices, failed to provide the client file and failed to respond to the discipline application and attend the disciplinary hearing.

Legal Services Commissioner v Janes

Name: JANES, Rosslie Agnes Fane
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Wednesday, 16 October 2013
Findings: Guilty of professional misconduct on 1 charge.
Penalty: Publicly reprimanded. Pay fine of \$10,000. Respondent ordered to pay costs of Commissioner.
Appeal: No
Report/s: [JANES-OCR062-13.pdf](#)

This decision highlights the importance for practitioners of being frank in all their dealings. The practitioner was charged with misleading the Court orally and in affidavit material filed alleging certain actions of the Barrister briefed in the matter, in a disputed body corporate case designed to deflect blame from herself. She contested the charge. The charge was proven and she was publicly reprimanded and fined. Adverse comment was also made by the Tribunal concerning the inconsistencies in her evidence which cast doubt upon her credibility.

Legal Services Commissioner v Singh

Name: SINGH, Abhay Kumar
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal, Court of Appeal
Date of decision: Tuesday, 17 December 2013
Findings: Guilty of professional misconduct on 3 charges.
Penalty: Struck off.
Appeal: Yes Mr Singh appealed to the Court of Appeal. The Court of Appeal dismissed his appeal on 17 December 2013.
Report/s: [SINGHQCAT13-154.pdf](#) [SINGHQCA13-384.pdf](#)
[SINGHQCAT14-218.pdf](#)

Mr Singh was removed from the roll as a result of having been convicted in Fiji on 25 Oct 2006 of the offence of attempting to pervert the course of justice and where his failure to give notice

of such conviction and failure to disclose same meant that he was not a fit and proper person to practice. He appealed that decision. The appeal was dismissed.

Legal Services Commissioner v Coburn

Name: COBURN, James Patrick
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Wednesday, 21 August 2013
Findings: Guilty of unsatisfactory professional conduct.
Penalty: Publicly reprimanded. Pay fine of \$1,000. Respondent ordered to pay costs of Commissioner.
Appeal: No
Report/s: [COBURN OCR359-12.pdf](#)

This matter demonstrates the importance of having systems and alerts in place in any legal practice to ensure that necessary court appearances are not overlooked.

Legal Services Commissioner v Desacola

Name: DESACOLA, Carlito Jose
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Tuesday, 20 August 2013
Findings: Guilty of unsatisfactory professional conduct.
Penalty: Publicly reprimanded. Pay fine of \$1,000. Respondent ordered to pay costs of Commissioner.
Appeal: No
Report/s: [DESACOLA-OCR342-12.pdf](#)

This matter is one for corporate practitioners to bear in mind when conducting matters to help a friend or work colleague without the appropriate practising certificate.

Other relevant regulatory decisions

Legal Services Commissioner v Graham

Name: GRAHAM, Michael Anthony
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Thursday, 22 May 2014
Findings: Guilty of unsatisfactory professional conduct on 2 charges.
Penalty: Respondent ordered to pay costs of Commissioner.
Appeal: Yes
Report/s: [GRAHAM-OCR253-11.pdf](#)

Mr Graham appealed the Tribunal's decision. We are awaiting the Court of Appeal decision at the time of writing this report.

Legal Services Commissioner v Bosscher

Name: BOSSCHER, Michael Frederick
Practitioner type: Solicitor
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: Thursday, 12 June 2014
Findings: The application for a non-publication order refused.
Report/s: [BOSSCHER-OCR063-14.pdf](#)

This decision concerns relevant factual matters necessary to establish the basis for a non-publication Order.

Court of Appeal decisions

Warren v Legal Services Commissioner

Name: WARREN, Alexia Margaret
Practitioner type: Solicitor
Disciplinary body: Court of Appeal
Date of decision: Friday, 20 June 2014
Findings: The appeal dismissed.
Penalty: Appellant to pay the Commissioner's costs of the application and appeal.
Appeal: No
Report/s: [WARREN-QCA14-150.pdf](#)

In this matter the Legal Services Commissioner commenced a discipline application and subsequently sought an order for substituted service however at the directions hearing the practitioner opposed the order but admitted she had a copy of the discipline application but then argued that she had not been properly served. The Court of Appeal found that her arguments had no merit and concluded that her appeal was misconceived.

Singh v Legal Services Commissioner

The practitioner's appeal was dismissed with costs see above and [SINGHQCA13-384.pdf](#)

Dempsey v Legal Practitioners Admissions Board

Name: DEMPSEY, Paul Anthony
Disciplinary body: Court of Appeal
Date of decision: Friday 19 July 2013
Findings: Application for readmission dismissed
Appeal: No
Report: [DEMPSEY-QCA13-193](#)

The applicant applied for readmission to practice. He was removed from the roll of legal practitioners after being found guilty of two charges of unsatisfactory professional conduct and four charges of professional misconduct in 2009 (see the [discipline register](#) at www.lsc.qld.gov.au for further detail). The Court of Appeal dismissed the application for readmission.

Legal Services Commissioner v Bone

Name: BONE, Paul Ernest
Disciplinary body: Court of Appeal
Delivered: 1 August 2013
Findings: Legal Services Commissioners appeal allowed
The order as to costs made by the Tribunal as to charges 3 to 8 be set aside
There be no order as to costs of charges 3 to 8
There be no order as to costs of the Appeal.
Report: [BONE-QCA14-179.pdf](#)

The Legal Services Commissioner particularised 8 charges alleging professional misconduct and or unsatisfactory professional conduct arising out of a complaint brought by the beneficiary to a will. The Commissioner withdrew charges 4 to 8 and later the Commissioner withdrew charge 3 and proceeded on 2 charges only. The Tribunal found that charges 1 and 2 should also be dismissed and found that special circumstances existed warranting an order for indemnity costs against the Legal Services Commissioner.

A cautionary tale

With particular reference to the decision in Legal Services Commissioner v Bone above, it must be highlighted that the Commissioner appealed the decision handed down by QCAT on 16 October 2013 in relation to the costs issue only. The Court of Appeal unanimously decided that the Tribunal erred in finding that there were special circumstances. The Court also found that the circumstances surrounding the withdrawal of certain charges did not come anywhere near the conduct required to warrant an order of indemnity costs. The Court found that the Tribunal's conclusion that special circumstances existed was an error of law on its part. The errors of law and fact meant that the Commissioner could show relevant error of law on the part of the Tribunal within the meaning of the decision in House v The King. Those errors substantially affected the conclusion reached by the Tribunal and in those circumstances the Tribunal's decision was set aside.

It is worth reading the entire judgment.

This decision demonstrates why it is necessary that practitioners when responding to the Commission provide a fulsome response and disclose all evidence before a decision is made by the Commissioner as to whether a discipline application should be filed. That response should contain a full explanation of the matters which are sought and material should not be raised for the first time after a discipline application is filed as that may adversely affect the way the proceedings are conducted. Significant costs and inconvenience could have been avoided in this matter.

Engaging constructively and collaboratively with all stakeholders

The LPA requires us not only to monitor and enforce but to promote appropriate standards of conduct in the provision of legal services. We make it a priority to engage with the profession, consumers and stakeholders more generally to better inform our understanding and perspective of the job that we do and to share what we learn as we go about our work and to do whatever is reasonably necessary to prevent complaints and non-compliance. We completed 22 speaking engagements throughout this year and published 5 e-newsletters to the profession details of which appear below.

We do not want to be confined to a reactive approach to act only and after problems have occurred but to compliment our complaints handling by having a preventative and ethical capacity building approach.

The Commission has a range of external stakeholders including other legal services regulators, law schools, and professional bodies, disciplinary bodies, individual lawyers, law practices as well as the Department of Justice and Attorney-General. All of these are important relationships for us and all assist us in being an effective regulator. Through our relationships we are able to better communicate what we know and so drive improvements within the profession as well as inform policy or debate. In the past 12 months we have undertaken the following activities:

Arranged consultations

Charging care and consideration on top of time-costed bills

Released 30 April 2014. Comments closed 7 July 2014

Published regulatory guides

Fixed Fee Costs Agreements – released 29 April 2014

Renamed from the consultation draft of **Lump sum costs agreements** which was released 20 November 2012 and comments closed 28 February 2013

Billing Practices – Some key principles

Version 1 released 16 September 2013

Version 2 released 21 November 2013 following feedback after initial guide released

The Application of the Australian Consumer Law

Version 3 released 16 September 2013

Revised fact sheets

Your Right To Challenge Legal Costs

Revised December 2013

Published e-newsletters

Issue 13 - Cancellation Fees released 23 May 2014

Regarding barrister cancellation fees and providing a copy of a letter from the BAQ

Issue 12 - Care and Con; Fixed Fees and Free CPD released 30 April 2014
Regulatory Guide 9: Fixed Fee Costs Agreements
Regulatory Guide 10: Charging Care and Consideration on Top of Time-Costed Bills
– A Consultation Draft

Issue 11 - Personal Injury Advertising Update - 2014 released 8 April 2014
Regarding updated guides located on the Commission's website on personal injury advertising restrictions

Issue 10 - Supervision Practices Checks released 29 October 2013
Invitation to law firms and solicitors to engage in a survey on supervision within their practices

Issue 9 - Billing Practices - Some Key Principles released 17 September 2013
Regulatory Guide 8: Billing Practices – Some Key Principles
Regulatory Guide 7: The Application of the Australian Consumer Law to Lawyers (v.3)
Regulatory Guides: an Overview (v.4)

Conducted surveys

Supervision practices results 2013

We wrote personally to the managing partners / legal practitioner directors of all 186 Queensland law firms which employ 7 or more practicing certificate holders and followed up with an e-newsletter to over 9000 Queensland solicitors and stakeholders inviting them and their firm to participate in an on-line survey about supervision practices within law firms that we were conducting in conjunction with researchers from Griffith Law School.

We invited participants to preserve their own and their firm's anonymity by identifying their firm solely by means of a secret and self-selected code known only to themselves.

A total of 360 people completed the survey by 12 December 2013, 202 of whom identified as a member of a participating law firm, 156 as interested individuals and 2 did not identify as either. Of the 202 who identified themselves as members of participating law firms, 112 identified their firm's business structure as an ILP.

The reports are available at the following website address:

<http://www.lsc.qld.gov.au/projects/ethics-checks/survey-results/supervision-practices-results-2013>

Arranged symposia

Lawyers, Clients and the Business of Law Series - Identifying and Supporting Good Practice - Brisbane, 8 May 2014

Professional service providers need to maintain their focus on quality in all its dimensions - accuracy, client focus, timeliness, strategic worth, ethical rigor and value for money.

The symposium drew on the expertise of leading policy makers who are concerned with developing effective frameworks for legal services and legal education.

The symposia series is a collaborative event between Griffith University and the Legal Services Commission. The symposium was a panel format with attendees invited to ask questions and debate issues following presentations from the panel members.

Presentations are available from the following website address:

<http://www.lsc.qld.gov.au/projects/symposium-series>

Published papers and presentations

Latest developments in the legal profession regulation – a presentation to Legal Aid Queensland litigators, Brisbane 17 June 2014.

Ethics and charging for legal research – an article by Lisa Sylvester, Compliance Officer, for the Journal of the Australian Law Librarian, vol 22 no. 2 2014.

Costs, Regulatory Failure and Regulatory Futures - a paper presented at the Legalwise Seminars Personal Injury Law Conference, Brisbane, 28 March 2014.

Participated in panel discussion about ethical issues at the QLS Succession Law Conference, Gold Coast, 1 November 2013.

Review of the Legal Services Regulatory Framework 2013 - a submission in response to the call for evidence issued by the British Ministry of Justice, 30 August 2013.

Participated in speaking engagements

July 2013

Staff of the Commission completed 2 speaking engagements during the month to law students undertaking professional responsibility classes at Queensland University of Technology and Southern Cross University.

August 2013

The Commissioner and staff of the Commission completed 3 speaking engagements during the month: 1 at a conference of the Presidents of the District Law Associations hosted by the QLS; 1 at the QLS Annual Criminal Law Conference; and 1 at a Practice Management Course conducted by the QLS.

September 2013

The Commissioner and staff of the Commission completed 3 speaking engagements during the month: 2 at in-house Continuing Legal Education events conducted by law firms; and 1 at the Australian Law Librarians Conference.

October 2013

The Commissioner and staff of the Commission completed 1 speaking engagement during the month: at a Practice Management Course conducted by the QLS.

We made a preliminary submission to the Productivity Commission as part of its inquiry into Australia's civil dispute resolution system.

November 2013

The Commissioner and staff of the Commission completed 3 speaking engagements during the month: 1 at the QLS Annual Succession Law Conference; 1 at a Practice Management Course conducted by the QLS; and 1 at a Continuing Legal Education in-house event conducted by a law firm.

February 2014

The Commissioner and staff of the Commission completed 3 speaking engagements during the month: all of them at Continuing Legal Education in-house events conducted by law firms.

March 2014

The Commissioner and staff of the Commission completed 7 speaking engagements during the month: 2 to final year law students at the University of Queensland and University of Southern Queensland; 1 at an in-house Continuing Legal Education event at a law firm; 1 at the

Queensland Association for Independent Legal Services Annual Conference; 1 at the BAQ Annual Conference; 1 at a Continuing Professional Development event conducted by the BAQ; and 1 at a Continuing Professional Development event conducted by a private Continuing Legal Education provider.

April 2014

The Commissioner and staff of the Commission completed 2 speaking engagements during the month: both to final year law students at the Griffith University Law School's Nathan and Gold Coast campuses.

Our published regulatory guides

We aim to enhance the effectiveness of our regulation by engaging with all our stakeholders and provide information on matters that come to the Commission's attention which may require some guidance statements.

We therefore publish regulatory guides which set out the factors we take into account in exercising our regulatory responsibilities. The guides issued to date appear below:

- Charging Outlays and Disbursements
- Advertising Personal Injury Services
- Charging Fees in Speculative Personal Injury matters
- Advertising Personal Injury Services on the Internet
- Advertising Personal Injury Services on the Internet Search Engines and Non -Lawyer websites
- Itemised Bills

For the Commission's latest draft regulatory guides see the [Consultations](#) page on our website. For information about the regulatory guides how we will go about developing them and importantly their status see [Regulatory Guides: An Overview on our website](#)

Pursuing organisational excellence

The key to the success of the Commission is ensuring that it continues to be a good place to come to work where the workplace culture is one of respect, innovation, openness, collegiality and performance. We strive to be a model regulator adopting continual improvement and best practice. The activities identified in our Strategic Plan 2014 - 2016 seek to support that workplace culture.

We measure our performance in this regard not only by our operational performance but also the feedback our staff provide us. Their commitment to continuing professional development is encouraging as is our commitment to continually improving our management and business systems and processes and practices to better support what we do. We have made it a priority to revise and refresh our training and continuing professional development activities for our staff. We go out of our way to ensure that all lawyers comply with the government lawyers scheme. We monitor legislative case law and other developments and share legislative case and other developments through monthly intranet updates.

We see that there is always a need for continual improvement and quality. In that respect we will continue to monitor and improve our business systems and processes and practices. We revisit when required and refresh internal policies and procedures. The Commissioner and line managers continue our practice of meeting individually with every member of staff twice a year to review their performance and how they are travelling more generally with their professional development and how we might assist them in their future careers. We monitor monthly there file load and have continued with our in-house continuing legal education program.

Our staff members have attended between them 29 training seminars or workshops conducted by 8 different continuing legal and other education providers at a cost of \$4630.00.

Below is Strategy 6 of our Strategic Plan which sets out what we will do:

Action	Activities and Deliverables
Knowledge Management	<ul style="list-style-type: none"> ▪ Review and refine our Knowledge Plan. ▪ Revise and refresh our training and CPD activities. ▪ Ensure that all lawyers comply with the Government Lawyers CPD scheme. ▪ Monitor legislative, case law and other developments. ▪ Share legislative, case law and other developments through monthly intranet updates. ▪ Review and refresh our document generation system. ▪ Network with stakeholders or join related membership bodies to maintain and develop awareness of current legal profession challenges and changes.
Continual Improvement and Quality	<ul style="list-style-type: none"> ▪ Monitor and continually improve our business systems, processes and practices; ▪ Complete a systematic review of our operations, systems, processes and performance to identify areas for improvement. ▪ Update our Grievance procedures. ▪ Revisit and where required refresh internal policies and procedures.

Workplace Culture	<ul style="list-style-type: none"> ▪ 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. ▪ Preserve our current respectful, open and collegiate workplace culture. ▪ Monitor staff turnover and sick leave. ▪ Team climate assessed by staff feedback.
Corporate Governance	<ul style="list-style-type: none"> ▪ Management meetings to be held monthly. ▪ Ensure that we are cost efficient and within budget. ▪ IT system meetings to be held regularly. ▪ Complete a systematic review of our operations, systems, processes and performance to identify areas for improvement. ▪ Effective communication of policies and procedures. ▪ Ensure legislative and compliance requirements are met. ▪ Consistency of approach/interpretation of policies and procedures through regular employee training and development.

Complaints about us

We take any complaint about our service, conduct and regulatory obligation seriously. We continue to actively seek out feedback and review the feedback we received from enquirers, complainants and lawyers who are respondents to those enquiries and complaints and to learn from that with a view to improving the way we go about our work.

We receive feedback about our performance through the unsolicited feedback we received from people we have dealt with, usually by mail or email, to the responses to the anonymous online feedback surveys we advertise prominently on our website and through the formal processes available to all persons if they are dissatisfied and therefore can make complaints about us.

Grievances

Grievances comprise written complaints that are made either to the Commission or to external bodies about a decision of or the conduct of the Commission and or its staff. They include:

Reconsiderations are matters the Commission opens when the Commissioner and/or his or her delegate are asked to reconsider or review a decision made under the LPA including decisions to summarily dismiss a complaint, to dismiss a complaint after investigation or to commence disciplinary proceedings.

There is no express power in the LPA enabling the Commissioner to reconsider a decision to close a complaint. For example, the decision to summarily dismiss a matter or a decision to reject a complaint out of time or indeed a decision to dismiss a complaint following investigation or for that matter a decision to start disciplinary proceedings or to discontinue proceedings.

However, it is the Commission's position that any decision made by the Commissioner may be reconsidered where this is warranted in the circumstances and where such action promotes good administration and fairness.

Applications for Judicial Review are matters the Commission opens when a person has filed an application with the Supreme Court seeking a judicial review of a decision of the Commissioner and/or his or her delegates pursuant to the *Judicial Review Act*,

Ombudsman complaints are matters the Commission opens when the Queensland Ombudsman has accepted a complaint under the *Ombudsman Act* about a decision or action of the Commissioner or member of staff of the Commission;

CMC complaints (now known as the CCC) are matters the Commission opens when the Crime and Misconduct Commission (CMC) has commenced an investigation under the *Crime and Misconduct Act* into the conduct of the Commissioner or a member of staff of the Commission;

Grievances – other are matters the Commission opens when some other relevant agency (such as the Anti-Discrimination Commission) accepts a complaint and/or commences an investigation involving the conduct of the Commissioner or a member of staff of the Commission.

Privacy and RTI

Privacy and Right to Information applications comprise applications made to the Commission under the *Information Privacy Act* and the *Right to Information Act* respectively.

Staffing and funding the system

Funding the system

The Commission is funded by an annual grant from the Legal Practitioner Interest on Trust Accounts Fund (LPITAF). Grants from LPITAF are approved by the Attorney-General on the recommendation of the Director-General of the Department of Justice and Attorney-General under the sections 289 to 290 of the LPA.

The grant to the Commission includes an amount to enable us to meet our responsibilities under the LPA to provide administrative support to the LPC and a discretionary draw down valued at \$500,000 to meet brief-out costs incurred on an 'as needs' basis to obtain legal advice in relation to complaints and or disciplinary related matters and representing the Commission in complex matters before the disciplinary bodies and the Courts.

The grant also includes an amount that transfers to the QLS under a Service Legal Agreement (SLA) with the Commission. The SLA funds the employment costs of the investigators and relevant support staff who deal with the complaints the Commission refers to the QLS for investigation and includes the staff of its Ethics Centre for this reporting year. The sum agreed (as appears below) is premised on the budget as submitted by the QLS and for this reporting year comprised, the Manager Professional Standards, 5 x FTE investigators, 3 x FTE ethical officers, 2 administrative assistants and related on costs. It should be noted however that as agreed with the QLS for the 2014-15 year these figures will be adjusted to exclude the employment costs of the staff of the Ethics Centre who do not perform a regulatory function but provide a membership service.

Therefore from the 2014-15 year as the Ethics Centre is no longer funded through the SLA the QLS will use surplus funds from practising certificate revenue to cover the cost of operating the Ethics Centre for solicitors for that report year.

For this reporting year the Commission did not have an SLA with the BAQ in relation to complaints the Commission refers there for investigation. That position is currently under review. The staff of the BAQ who deal with complaints on referral from the Commission are funded by a grant from LPITAF made directly to the BAQ. Thus the true cost to LPITAF for funding the system for dealing with complaints should recognise that grant which is reported on in the BAQ annual report.

The cost of administering the system for dealing with complaints in 2013-14

	2013-14 employment costs	2013-14 all other costs	2013-14 total actual costs	2013-14 approved investment	2014-15 approved investment
LSC ¹	2,452,789	1,265,754	3,718,543	3,929,555	3,957,323
QLS (total) ²	n/a	n/a	1,669,400	1,669,400	1,356,623
QLS (adjusted)	n/a	n/a	1,322,849	1,322,849	-
LPC ³	n/a	n/a	31,653	50,006	-
Total			5,419,596	5,648,961	5,313,946
Total (adjusted) ⁴			5,073,045	5,302,410	5,313,946

¹ This figure includes brief-out costs of \$524,684

² These figures are the total amounts that transfer from the LSC to the QLS under the SLA

³ From 2014-15 all funding to the LPC has been amalgamated with the LSC funding.

⁴ These figures are the total amounts of the SLA adjusted to exclude the employment costs of the staff of the Ethics Centre who do not perform a regulatory function but provide a membership service. These costs have been calculated to be \$334,684 in 2011-12; \$339,091 in 2012-13; and \$346,551 in 2013-14.

From 2014-15 the Ethics Centre is no longer funded through the SLA.

Brief out costs

2012-13	2013-14*
\$373,404	\$524,684

*The reasons why the grant exceeded the \$500,000 brief-out costs was primarily due to being involved in more complex complaints, investigations and appeal matters before the Courts or QCAT. In addition significant expenses were incurred in obtaining advices with a view to being more proactive in relation to the distribution of guidelines as appears on our website – see link to [Publications](#).

Monies returned or due to return to LPITAF

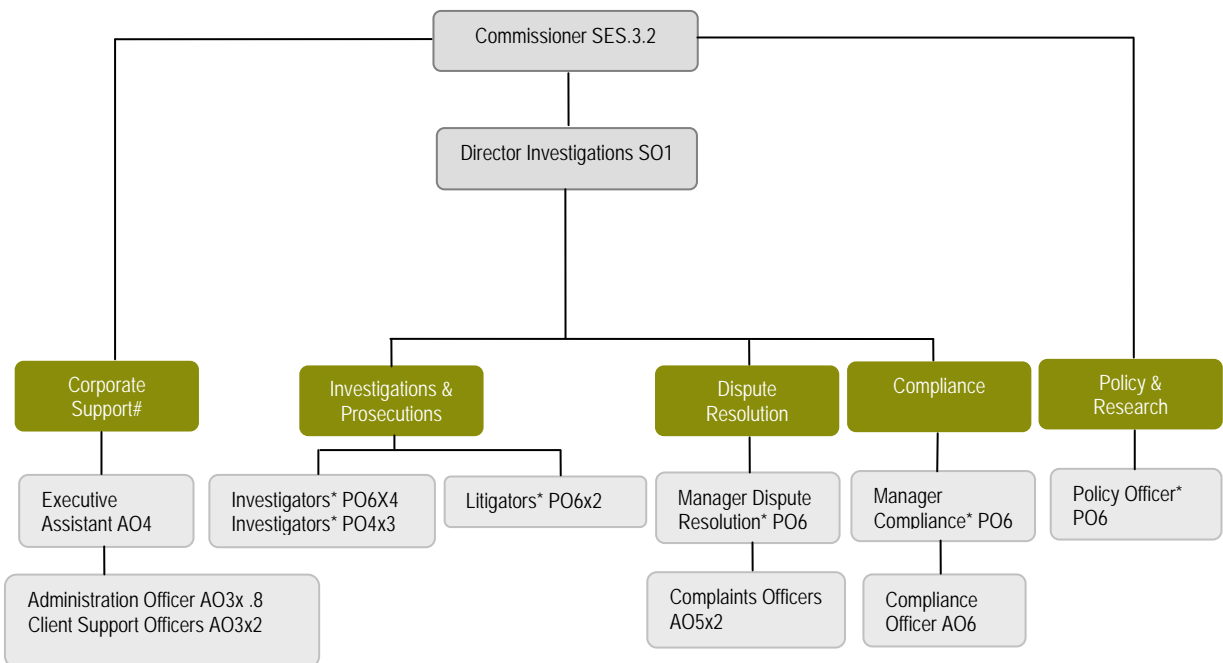
	QCAT	LPC	2013-14 total	2012-13 total	2011-12 total
Financial Penalties ordered	27,500	-	27,500	20,500	27,500
Penalty Payments received	25,000	-	25,000	20,200	12,000
Costs ordered, agreed or assessed	13,000	-	13,000	24,000	16,000
Costs payments received	13,750	-	13,750	12,950	6,750
Costs written off	2,000	-	2,000	-	-
Costs payments pending at 30 June	21,550	-	21,550	25,800	5,500

Staffing the Legal Services Commission

The Legal Services Commission consists of the Commissioner and a staff of 19.4 full-time equivalent people. We undertook a review in December 2013 in respect of the Policy and Research Officer position and determined that the Commission needed to focus more readily on its core responsibilities and with that in mind a new position was created as Principal Legal Officer-Policy PO6 who reports directly to the Commissioner. This was undertaken after a systematic review of our operational systems, processes and performance to identify areas for improvement. We will continue to monitor this process to ensure that we are cost efficient and within budget having regard to our core responsibilities.

The organisation chart as appears below reflects the Commission's fully occupied and complaint handling functions.

Organisation chart 2013-14



Total full time equivalent staff: 19.4

* These positions require legal qualifications

The corporate support team also provides secretariat support to the Legal Practice Committee

Our reporting framework

The Commission database or case management system distinguishes and counts various discrete matter types, enquiries, complaints, compliance audits, prosecutions, civil litigation matters, privacy and right to information applications, complaints about us and grievances.

They are reported upon in the following tables. Ethical enquiries are enquiries by solicitors or barristers or their professional bodies the QLS and BAQ respectively about their ethical obligations as legal practitioners.

Certificate holder analysis as at 30 June 2014

The following section provides an analysis of the make-up of the profession for the respondent types of solicitor and barrister.

The following analysis has been performed on data extracts provided by both the QLS and BAQ from their regulatory databases. We have chosen 30 June 2014 as the reference date – hence complaints about solicitors during 2013-14 will be profiled against the solicitor's attributes as recorded at 30 June 2014. The profession has been profiled by counting the number of practising certificate holders and the law firms in which they are employed. The following tables provide a summary.

Solicitors by type of locally issued practising certificate

	Total	%
employee	5,271	50.85
principal	2,918	28.15
restricted employee	2,051	19.79
restricted volunteer	61	0.59
unrestricted volunteer	32	0.31
limited principal	22	0.21
foreign	11	0.11
restricted principal	-	-
Total	10,366	

Solicitors by gender

	Total	%
male	5,424	52.32
female	4,942	47.68
Total	10,366	

Solicitors by age group

	Total	%
24 & under	343	3.31
25 - 29	1,934	8.66
30 - 34	1,808	17.44
35 - 39	1,360	13.12
40 - 44	1,379	13.30
45 - 49	986	9.51
50 - 54	843	8.13
55 - 59	774	7.47
60 - 64	520	5.02
65 - 69	297	2.87
70 & over	122	1.18
Total	10,366	

Solicitors by gender by age group

	Male	Female
24 and under	2.30	4.41
25 - 29	11.98	25.98
30 - 34	12.59	22.76
35 - 39	11.39	15.01
40 - 44	13.90	12.65
45 - 49	11.41	7.43
50 - 54	10.49	5.54
55 - 59	11.01	3.58
60 - 64	7.91	1.84
65 - 69	4.89	0.65
70 and over	2.12	0.14

Law firms by size

No. of PC Holders	No. of law firms	%
1	756	45.74
2 - 3	497	30.07
4 - 6	221	13.37
7 - 12	95	5.75
13 - 24	46	2.78
25 - 50	18	1.09
51 - 100	10	0.60
101 - 200	10	0.60
Total	1,653	

* This table counts law firms only once even if they have more than one office. These figures also include interstate law firms that have a local office.

Law firms by business structure

Firm Type	No. of law firms	%
partnership/sole practitioners	1,096	63.94
ILP	606	35.36
MDP	12	0.70
Total	1,714	

* This table counts law firms only once even if they have more than one office. These figures also include interstate law firms that have a local office.

Location of law firm offices

	No. of law offices	%
Brisbane city	356	19.67
Brisbane north suburbs	302	16.69
Brisbane south suburbs	287	15.86
Gold Coast	311	17.18
Ipswich region	53	2.93
Toowoomba region	62	3.43
Western Queensland	9	0.50
Sunshine Coast	163	9.01
Hervey Bay to Gladstone	43	2.38
Rockhampton region	33	1.82
Mackay region	27	1.49
Cairns region	103	5.69
Townsville region	61	3.37
Total	1,810	

* This table counts each office for a law firm. These figures also include interstate law firms that have a local office.

Barristers by gender

	Total	%
male	860	78.32
female	238	21.68
Total	1,098	

Barristers by age group

	Total	%
24 and under	11	1.00
25 - 29	24	2.19
30 - 34	96	8.74
35 - 39	115	10.47
40 - 44	166	15.12
45 - 49	167	15.21
50 - 54	166	15.12
55 - 59	145	13.21
60 - 64	122	11.11
65 - 69	57	5.19
70 and over	29	2.64
Total	1,098	

Throughput summary

Enquiries

	2013-14	2012-13
enquiries from public received by LSC	1,451*	1,332
ethical enquiries from practitioners received by QLS	2603	2,757

*see Commissioner's report. This figure does not include first contact enquiries undertaken by client service officers

Complaints

	2013-14	2012-13
matters on hand at 1 July	455	474
plus matters opened	1,016	940
less summary dismissals	404	317
less conduct matters closed	541	523
less investigation matters closed	134	119
On hand at 30 June	392	455

Prosecutions

	2013-14	2012-13
matters on hand at 1 July	65	41
plus matters opened	53	50
less matters closed	33	26
On hand at 30 June	85	65

Compliance audits and civil litigation

	Self Assessment Audits	Onsite Reviews	Civil Litigation
on hand at 1/7/2013	41	18	1
opened during year	150	1	4
closed during year	100	3	3
on hand at 30/6/2014	91	16	2

Complaints about us, grievances and RTI applications

	Complaints about Us	Reconsiderations	Ombudsman	RTI
on hand at 1/7/2013	-	-	2	3
opened during year	4	1	13	4
closed during year	2	1	11	7
on hand at 30/6/2014	2	-	4	-

Timeliness

Type	Matters Completed	Time Band	Actual %	Cumulative%	Target %
complaints	392	<= 6 months	58.07	58.07	75
	187	7 - 18 months	27.70	85.78	100
	96	> 18 months	14.22	100.00	-
summary dismissals	373	<= 1 month	92.33	92.33	90
	17	1 - 2 months	4.21	96.53	100
	14	> 2 months	3.47	100.00	-

Matters on hand by agency

	Total	Start of Year
At LSC		
complaints under assessment	66	54
conduct matters	190	226
self assessment audits	91	41
on-site reviews	16	18
sub-total	363	339
At QLS		
conduct matters	128	160
At BAQ		
conduct matters	8	15
Total	499	514

Complaints assigned by agency

	YTD	% of YTD
retained at LSC	244	57.28
referred to QLS	178	41.78
referred to BAQ	4	0.94
Total	426	

Investigation matters assigned by agency

	YTD	% of YTD
retained at LSC	119	83.8
referred to QLS	20	14.08
referred to BAQ	3	2.11
Total	142	

Closure summary

Enquiries by enquirer type

	2013-14	%	2012-13
client/former client	972	66.99	912
non client	294	20.26	278
solicitor	79	5.44	70
beneficiary	29	2.00	11
third party	23	1.59	24
solicitor for client	21	1.45	13
executor	21	1.45	1
all other 'enquirer types' combined	12	0.83	24
Total	1,451		1,333

Enquiries by outcome

	2013-14	%	2012-13
provided referral for legal advice or other assist	286	19.71	216
matter unable to be resolved	245	16.88	285
provided advice/help re making a complaint	218	15.02	165
negotiated remedial action	200	13.78	231
recommended direct approach to firm about concerns	152	10.48	118
lost contact with complainant/enquirer	124	8.55	94
explained concerns are outside jurisdiction	74	5.10	53
provided information	73	5.03	78
provided information about LSC to lawyer	56	3.86	57
all other 'outcomes' combined	23	1.59	36
Total	1,451		1,333

Enquiries by area of law

	2013-14	%	2012-13
family law	280	19.30	282
conveyancing	200	13.78	199
personal injuries/Workcover litigation	176	12.13	137
deceased estates or trusts	167	11.51	141
litigation	97	6.69	77
commercial /company law	63	4.34	52
criminal law	63	4.34	50
property law	36	2.48	34
leases/mortgages	19	1.31	17
administrative law	16	1.10	25
building/construction law	16	1.10	11
conduct not in the practice of law	12	0.83	-
bankruptcy and insolvency	6	0.41	12
immigration	5	0.34	11
all other 'areas of law' combined	295	20.33	285
Total	1,451		1,333

Enquiries by nature of the enquiry

	2013-14	%	2012-13
costs	466	32.12	418
quality of service	235	16.20	214
ethical matters	163	11.23	135
communication	152	10.48	176
documents	55	3.79	56
PIPA	46	3.17	45
trust funds	35	2.41	32
compliance	26	1.79	28
personal advice	16	1.10	8
advice	3	0.21	1
all other 'natures of enquiry' combined	254	17.51	220
Total	1,451		1,333

Summary dismissals by area of law

	2013-14	%	2012-13
family law	77	19.06	70
deceased estates or trusts	45	11.14	42
litigation	40	9.90	29
commercial law	24	5.94	25
criminal law	24	5.94	12
personal injuries / Workcover litigation	23	5.69	17
conveyancing	19	4.70	19
trust account breaches	18	4.46	-
leases/mortgages	12	2.97	-
property law	11	2.72	7
building/construction law	10	2.48	8
administrative law	8	1.98	7
bankruptcy & insolvency	5	1.24	-
conduct not in the practice of law	5	1.24	-
all other 'areas of law' combined	83	20.54	81
Total	404		317

Summary dismissals by nature of matter

	2013-14	%	2012-13
ethical matters	151	37.38	96
quality of service	98	24.26	72
costs	45	11.14	46
communication	39	9.65	42
trust funds	21	5.20	14
compliance	13	3.22	13
personal conduct	7	1.73	-
documents	6	1.49	7
all other 'natures of matter' combined	24	5.94	27
Total	404		317

Complaints by complainant type

	2013-14	%	2012-13
client/former client	372	68.76	352
non client	102	18.85	90
solicitor	27	4.99	35
solicitor for client	21	3.88	19
beneficiary	11	2.03	5
judge	2	0.37	2
executor	2	0.37	4
barrister	2	0.37	2
third party	1	0.18	14
all other 'complainant types' combined	1	0.18	2
Total	541		523

Complaints by respondent type

	2013-14	%	2012-13
solicitor	501	92.61	478
barrister	31	5.73	19
other	-		13
law practice employee	4	0.74	1
unlawful operator	5	0.92	9
legal practitioner	-	-	3
corporation	-	-	-
Total	541		523

Complaints by outcome

	2013-14	%	2012-13
no reasonable likelihood	299	55.17	271
no public interest	126	23.25	108
referred to tribunal	44	8.12	58
negotiated remedial action	23	4.24	23
withdrawn/discontinued	12	2.21	24
matter unable to be resolved	16	2.95	18
referred to other investigative process	5	0.92	8
complaint unfounded	4	0.74	6
referred for civil litigation	3	0.55	3
referred to LPC	4	0.74	2
referred to Magistrates Court	2	0.37	-
referred for criminal litigation	2	0.37	-
all other 'outcomes' combined	2	0.37	2
Total	541		523

Complaints by area of law

	2013-14	%	2012-13
family law	109	20.15	126
conveyancing	61	11.28	65
deceased estates or trusts	59	10.91	57
personal injuries /Workcover litigation	48	8.87	33
litigation	45	8.32	44
criminal law	40	7.39	35
commercial /company law	32	5.91	33
property law	11	2.03	15
leases /mortgages	17	3.14	12
building /construction law	17	3.14	4
industrial law	5	0.92	1
administrative law	4	0.74	16
trust account breaches	4	0.74	7
conduct not in the practice of law	3	0.55	8
bankruptcy and insolvency	2	0.37	3
immigration	2	0.37	5
all other 'areas of law' combined	82	15.16	59
Total	541		523

Complaints by nature of matter

	2013-14	%	2012-13
quality of service	167	30.87	148
ethical matters	143	26.43	130
costs	96	17.74	96
communication	60	11.09	41
compliance	26	4.81	40
trust funds	21	3.88	34
documents	10	1.85	9
PIPA	5	0.92	7
personal conduct	5	0.92	3
all other 'natures of matter' combined	8	1.48	16
Total	541		523

Investigation matters by outcome

	2013-14	%	2012-13
no public interest	79	58.96	60
no reasonable likelihood	28	20.90	35
referred to tribunal	21	15.67	18
referred to Magistrates Court	1	0.75	-
referred for criminal litigation	1	0.75	1
referred to other investigative process	1	0.75	4
withdrawn	1	0.75	-
all other outcomes combined	2	1.49	1
Total	134		119

Investigation matters by area of law

	2013-14	%	2012-13
personal injuries/Workcover litigation	42	31.34	25
trust account breaches	34	25.37	27
family law	6	4.48	5
conduct not in the practice of law	6	4.48	4
litigation	6	4.48	3
criminal law	6	4.48	5
deceased estates or trusts	5	3.73	3
administrative law	3	2.24	-
conveyancing	2	1.49	2
immigration	1	0.75	1
leases/mortgages	1	0.75	-
commercial /company law	1	0.75	1
bankruptcy and insolvency	1	0.75	-
property law	-	0.00	2
building/construction law	-	0.00	2
all other 'areas of law' combined	20	14.93	39
Total	134		119

Investigation matters by nature of matter

	2013-14	%	2012-13
PIPA	39	29.10	21
trust funds	28	20.90	18
compliance	20	14.93	33
ethical matters	14	10.45	13
costs	10	7.46	11
quality of service	10	7.46	9
personal conduct	4	2.99	7
communication	3	2.24	2
all other 'natures of matter' combined	6	4.48	5
Total	134		119

Prosecution matters

Prosecutions by respondent type

	2013-14	2012-13
solicitor	8	10
barrister	1	-
all other respondent types	1	1
Total	10	11

Prosecutions – heard and decided

	2013-14	2012-13
by Tribunal	9	9
by the Committee	-	-
by the Magistrates Court	1	1
by the Court of Appeal	1	1
by High Court	-	-
withdrawn/discontinued*	4	15
Total	15	26

* 3 of these were prosecutions filed but subsequently discontinued by consent, the other matter was a Magistrates Court unlawful operator prosecution placed in abeyance.

Prosecutions by charge outcome

	2013-14	2012-13
proved - professional misconduct	30	11
proved -unsatisfactory professional conduct	10	5
proved – LPA/PIPA offence	-	2
dismissed after hearing	4	1
withdrawn	10	3
Total	54	22

Prosecutions by area of law

	2013-14	2012-13
litigation	-	2
trust account breaches	1	2
conveyancing	-	1
criminal law	1	1
property law	1	1
deceased estates or trusts	-	1
immigration	-	-
family law	2	-
leases/mortgages	1	-
commercial /company law	1	-
personal injuries /Workcover litigation	-	-
building/construction law	1	-
conduct not in the practice of law	1	-
all other 'areas of law' combined	1	3
Total	10	11

Prosecutions by nature of matter

	2013-14	2012-13
ethical matters	2	3
quality of service	1	3
trust funds	1	2
communication	-	1
personal conduct	2	1
compliance	1	-
costs	-	-
all other 'natures of matter' combined	3	1
Total	10	11

Investigations of solicitors

Investigations regarding solicitors as a proportion of the profession

	PC holders	Law firms	Law offices
size of profession as at 30 June 2013	9,920	1,653	1,746
size of profession as at 30 June 2014	10,366	1,714	1,810
no of respondents for 2013-14 year	480	358	374
Percentage	4.63	20.89	20.66

Solicitors subject to investigation

	2013-14	2012-13
1 complaint	395	348
2 complaints	59	33
3 complaints	16	12
4 complaints	7	9
5 complaints	2	2
between 6 and 9	-	8
between 10 and 14	1	1
15 and > complaints	-	-
Total	480	413

Law firms subject to investigation

	2013-14	2012-13
1 complaint	244	238
2 complaint	64	60
3 complaint	32	20
4 complaint	9	7
5 complaint	5	4
between 6 and 9	2	5
between 10 and 14	2	1
15 and > complaints	-	-
Total	358	335

Solicitors subject to investigation by gender

	2013-14	%	2012-13
male	364	75.83	323
female	116	24.17	90
Total	480		413

Solicitors subject to investigation by age group

	2013-14	%	2012-13
24 and under	10	1.88	10
25 - 29	31	6.46	18
30 - 34	47	9.79	44
35 - 39	42	8.75	34
40 - 44	65	13.54	71
45 - 49	57	11.88	61
50 - 54	63	13.13	63
55 - 59	77	16.04	52
60 - 64	60	12.50	36
65 - 69	23	4.79	15
70 and over	6	1.25	9
Total	480		413

Solicitors subject to investigation by law firm business type

	2013-14	%	2012-13
partnership/ sole practitioners	238	66.39	238
ILP	118	33.05	95
MDP	2	0.56	2
Total	358		335

Solicitors subject to investigation by law firm size

PC holders	2013-14	%	2012-13
1	91	25.42	116
2 - 3	112	31.28	97
4 - 6	72	20.11	53
7 - 12	40	11.17	31
13 - 24	21	5.87	22
25 - 50	13	3.63	5
51 - 100	5	1.40	7
101 - 200	4	1.12	4
Total	358		335

Solicitors subject to investigation by law office location

	2013-14	%	2012-13
Brisbane city	81	21.66	70
Brisbane north suburbs	50	13.37	49
Brisbane south suburbs	52	13.90	51
Gold Coast	73	19.52	73
Ipswich region	12	3.21	10
Toowoomba region	11	2.94	8
Western Queensland	-	-	-
Sunshine Coast	34	9.09	35
Hervey Bay to Gladstone	13	3.48	11
Rockhampton region	9	2.41	6
Mackay region	7	1.87	6
Cairns region	17	4.55	13
Townsville region	15	4.01	11
unclassified	-	-	1
Total	374		344

Investigations of barristers

Investigations regarding barristers as a proportion of the profession

	PC Holders	Respondents	%
size of profession as at 30 June 2012	1,091	19	1.74
size of profession as at 30 June 2013	1,098	33	3.01

Barristers subject to investigation

	2013-14
1 complaint	32
2 complaints	1
3 and > complaints	-
Total	33

Barristers subject to investigation by gender

	2013-14	%
male	31	93.94
female	2	6.06
Total	33	

Barristers subject to investigation by age group

	2013-14	%
24 and under	-	-
25 - 29	-	-
30 - 34	1	3.03
35 - 39	3	9.09
40 - 44	3	9.09
45 - 49	6	18.18
50 - 54	4	12.12
55 - 59	3	9.09
60 - 64	7	21.21
65 - 69	5	15.15
70 and over	1	3.03
Total	33	

Consumer redress

Note: It is possible to have multiple remedies for a matter. The number of remedies may be greater than the number of matters within each of the following categories.

Enquiries

	2013-14	\$	2012-13	\$
apology	4	-	12	-
financial redress/compensation	94	181,838	105	128,139
redress - improved communications	68	-	84	-
redress - other	29	-	54	-
management system improvements	4	-	5	-
training/mentoring/supervision	-	-	1	-
made advertisement PIPA compliant	2	-	1	-
Total	201	181,838	262	128,139

Complaints

	2013-14	\$	2012-13	\$
apology	67	-	58	-
financial redress/compensation	65	438,465	58	266,267
redress - improved communications	8	-	11	-
redress - other	23	-	31	-
management system improvements	46	-	39	-
training/mentoring/ supervision	15	-	18	-
made advertisement PIPA compliant	39	-	22	-
Total	263	438,465	237	266,267

Prosecutions

	2013-14	\$	2012-13	\$
employee not to be employed	-	-	-	-
fined (disciplinary body – USP / PMC)	6	26,000	4	18,000
fined (Magistrates Court – LPA offence)	-	-	1	1,400
ordered to apologise	-	-	-	-
ordered to pay compensation	1	7,500	3	17,700
ordered to make other redress	-	-	-	-
ordered to undertake training or be supervised	1	-	-	-
reprimanded	6	-	6	-
struck off	4	-	4	-
suspended	-	-	-	-
reconsidered – apology	12	-	6	-
reconsidered – financial redress	6	19,998	3	23,139
	-	-	-	-
Total	36	53,498	27	60,239



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