

5 simple steps to follow when a problem arises with your lawyer



What to do when a problem arises with your lawyer.

This fact sheet provides clients with 5 practical tips you can use immediately to take positive steps to resolve emerging issues with your lawyer before considering whether to make a complaint to the regulator.

If a problem arises

The Legal Profession Board frequently receives enquiries from clients who think they have a problem with their lawyer and don't know what steps they can take to resolve the issue. If you are unhappy with your lawyer or the legal costs billed to you, you have rights and options for how to address your concerns without making a formal complaint.

You should always address any concerns you have as soon as you become aware of them so that they don't escalate into bigger issues.

1. Understand your rights

If your legal matter is likely to exceed \$1,500 (exclusive of GST) you should have been advised in writing about legal costs and your rights in relation to progress reports. Re-read all the paper work your lawyer gave you so that you understand the basis for billing and the progress of your matter. Write down your questions so you can raise the issues with your lawyer next time you see them.

If you have received a bill and are concerned about it, download the following fact sheet as it sets out steps you can take if you dispute the legal costs:

- [Your Right to Challenge Legal Costs](#)

2. Talk to your lawyer

Often the best thing to do is to speak to your lawyer about your concerns. If your lawyer knows why you are not happy, they may be able to fix the problem quickly. Try contacting your lawyer by telephone first.

If your lawyer does not respond to your telephone call within a reasonable time, email your lawyer setting out your concerns in simple terms – dot points are fine. If you select the option on your email to obtain a delivery receipt you will know the email has been delivered. An effective approach when emailing is to ask for an acknowledgement or response in a specified, reasonable time, for example, 'please provide a response by 5:00pm Friday'.

If you don't have access to email, write a quick note and keep a copy of it before you post it.

3. Talk to the lawyer's supervisor or managing partner

If your lawyer is not responding to your attempts to contact them, or the issue means you cannot speak to your lawyer, your lawyer's managing partner may be able to help you resolve your concerns.

5 simple steps

We recommend you email the managing partner or the lawyer's supervisor and allow a reasonable time for them to consider the issues raised. They may be able to meet with you and your lawyer to discuss a resolution of the issue.

Usually you can find out who the managing partner is from the law practice's website. If you still don't know who that is, ring the practice and ask who you can address a complaint to.

4. Change lawyers

At any stage of your legal matter you can instruct a different lawyer, whether at the same legal practice or somewhere else.

You should note, however, that your current lawyer can keep your file until you have paid their bill. If you have a 'no-win no-fee' agreement and you change lawyers, you may have to pay any legal fees incurred to that time. Check your costs agreement for more information.

There may be further cost implications to you if you change your lawyer as your new lawyer will need to 'get up to speed' on the progress of your matter.

If you have been granted legal aid for your matter, there may be restrictions on your ability to change your lawyer. Contact the Legal Aid Commission to discuss how you can change lawyers.

5. Ask us for help

We can help you with suggestions on how you can resolve your concerns with your lawyer. We can also explain your rights and how you can make a complaint.

For further information, download our fact sheet:

- [Working with your lawyer](#)

Act quickly on complaints

If you have tried to resolve your issues with your lawyer and you want to make a formal complaint, you should act quickly. The law imposes time limits on making a complaint.

You have 3 years to make a complaint after the conduct occurred.

We may be able to extend the above timeframes, but only if certain circumstances exist. Please [contact our office](#) to discuss.

You can speak to us before you write a letter of complaint or fill in a complaint form. We can often help you without the need for you to spend the time putting your concerns in writing. Please note, however, that we cannot give you legal advice.

Contact us to discuss your concerns.

If we are not able to help you with your problem, we will usually be able to offer suggestions on where you can get further information or other assistance you may wish to try.

The information contained in this fact sheet does not constitute legal advice.

The information contained in this fact sheet has been adapted with permission from the Victorian Legal Services Board and Commissioner, website page 'If a problem arises'.

Further information

If you have any questions or require further information, please contact the Legal Profession Board of Tasmania.

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The normal hours of opening
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