

Practical guide to dealing with complaints

LPBT: Our top tips for lawyers.

1. Do not ignore letters or phone calls from the Board – a failure to respond particularly to a formal notice may amount to a conduct issue, under the Act, or a breach of the *Legal Profession (Solicitor Conduct) Rules 2020* (the Rules) – especially Rule 48.
2. If you are unable to meet the timeframe set for a response contact the Board and seek additional time, otherwise you risk breaching Rule 48 of the Rules.
3. Respond as fully and frankly as possible, in accordance with your obligations under Rule 48. It is rarely constructive or helpful to respond in anger, particularly as any letter may be seen not only by the Complainant but by the Disciplinary Tribunal or Supreme Court.
4. Seek assistance – we always recommend you tell the managing partner if you are in a firm. LawCare provides 3 hours free counselling paid for by the Law Society. Members appointed to the Senior Practitioners List will provide confidential consultations about ethical, professional conduct or practice matters.
5. We can explain our processes and procedures to you – just ask.
6. We cannot give you legal advice - the Law Society maintains a list of members' advisors to assist lawyers who are the subject of a complaint, with 3 hours of free legal advice. Alternatively obtain your own independent advice.
7. If you have evidence to support your submissions – file notes, letters, emails, sms etc – provide them to us as early in the complaint as possible.
8. Try to respond to the allegations, don't get side-tracked.
9. Don't threaten the complainant with repercussions if they make or tell you they will make a complaint to us. Section 514 of the *Legal Profession Act 2007* protects the complainant from personal liability.
10. Avoid complaints altogether – communicate with your clients and deal with their dissatisfaction **before** they make a complaint to us.
11. Avoid misconceived complaints sticking – provide costs disclosure and update it, especially costs estimates.

Further information

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

We are located at Level 3,
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The normal hours of opening
at our office are between
9:00am and 5:00pm on
weekdays.