

Making an Enquiry with The Board



This fact sheet explains how you can get in touch with the Legal Profession Board of Tasmania ('the Board') to get an understanding of your rights and how your lawyer should work with you.

What is the Board?

The Board is the independent statutory body responsible for receiving and investigating complaints about the conduct of lawyers. The Board consists of six Board Members, four legal practitioners and two lay persons, appointed by the Governor of Tasmania. The Board employs a dedicated team to assist it in discharging its statutory obligations.

You can make an enquiry with the Board either by phoning us on (03) 6226 3000, emailing us at enquiry@lpbt.com.au, or you can write to us at 3/147 Macquarie Street, Hobart TAS 7000.

How can the Board help you?

While it is often best to speak to your lawyer first, the Board's staff can help you understand the right questions to ask them. Asking your lawyer questions about the law can feel intimidating. But by asking your lawyer questions, your lawyer can help you understand the legal process, build a stronger partnership and achieve the best outcome for you.

If you feel you have concerns with your lawyer that cannot be resolved by talking with them, 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. But please note that we cannot give you legal advice.

The Board's staff may be able to assist you with information, or direct you to another organisation, which may help you make an informed decision about a matter that you wish to complain about.

The Board can explain information such as:

- What questions to ask your lawyer (see our fact sheet 'Working with your lawyer' for some suggested questions to ask your lawyer when you are first meeting with them);¹
- Communicating with your lawyer in general;
- Understanding your lawyer's obligations and duties to you;
- The difference between solicitors and barristers and how they work together;
- Legal profession privilege – a special rule that makes sure lawyers keep the things you tell them confidential (private);
- How to find out details about a particular lawyer, including whether they have previously had a disciplinary finding against them.

What are some of your lawyer's responsibilities?

- To act in your best interests (your lawyer must make sure that your needs come first);
- To act with competence, diligence and to exercise reasonable skill and care;
- Letting you know if they have a conflict of interest - Your lawyer should not work for you in they already work for someone involved in your case (see our fact sheet 'Conflicts of Interest' for more detail);²
- Keep your information confidential (private);

¹ <https://www.lpbt.com.au/wp-content/uploads/2019/02/Working-with-your-lawyer.pdf>

² <https://www.lpbt.com.au/wp-content/uploads/2020/10/Conflicts-of-interest-v2.pdf>

Enquiries to the Board

- Your lawyer must keep information you provide them private, unless you give them permission otherwise
- There are some situations where a lawyer may share your information, for example if sharing the information will prevent serious harm to you or another person;
- Keeping you informed of billing/costs of their work for you.
 - If your lawyer's costs are likely to be below \$1,500 your lawyer is *not* required to give you detailed information about costs, and other matters relating to costs, but you can still ask for that information;
 - If your lawyer's costs are likely to be more than \$1,500 you must be advised in writing about details surrounding those costs – for more information, see our fact sheet 'Legal Costs – Your Right to Know'.³

What the Board cannot do

It is important to note that the statutory functions given to the Board do not give power to the Board to involve itself in, intervene in, or determine any private legal matters that form the background to a complaint. The Board cannot provide legal advice, nor can it act for you.

What do you do if you have a problem with your lawyer

Often the best thing to do is to communicate with your lawyer about your concerns. If your lawyer knows why you are not happy, they may be able to fix the problem quickly, without the need for intervention by the Board.

If communicating with your lawyer doesn't resolve your issue, or the issue you have means you cannot communicate with your lawyer, consider communicating with your lawyer's supervisor or managing partner.

At any stage of your legal matter you can instruct a different lawyer, whether at the same legal practice or somewhere else. However, it is likely that you will still need to pay for the work already done and your current

lawyer can keep your file until you have paid any outstanding bills.

As best as possible, try to keep records of your communications with your lawyer.

Before contacting the Board

If you are unable to resolve your problem with your lawyer, please contact the Board so you can discuss your concerns with a member of the Board's staff. However, before you do, try to think carefully about the issues that are concerning you, for example, what has your lawyer done or not done that is different to what you expected of them? Do you have any examples of the lawyer's conduct? Can this be supported by evidence?

Being specific in identifying your concerns, and having evidence that supports those concerns, assists Board staff to better understand the problems you are having, which will make it easier for Board staff to help you.

When to contact the Board

If you're unable to resolve your concerns with your lawyer, we encourage you to contact the Board as early as possible because, in some circumstances, there are time limits that might apply, affecting the Board's power to deal with the matter and also your rights in disputes about legal costs.

What is the effect of making an enquiry?

Unless permitted or compelled by law, the Board will not take action in relation to your enquiry and your enquiry remains confidential. However, if you ultimately decide to make a complaint, the records of your enquiry might be relied upon by the Board to better understand the complaint.

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

³ <https://www.lpbt.com.au/wp-content/uploads/2019/08/Legal-Costs-Your-Right-to-Know.pdf>.



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,
147 Macquarie Street
Hobart Tasmania.

Website:
www.lpbt.com.au

Postal address:
GPO Box 2335,
Hobart 7001

Telephone:
(03) 6226 3000

Email:
enquiry@lpbt.com.au

Fax:
(03) 6223 6055

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

