

# Avoiding complaints

## How do I avoid a complaint being made about me?

Complaints cannot always be avoided. However, there are things lawyers can do to help maintain a positive relationship with their client. The Board has fact sheets to assist both clients and lawyers on how to deal with complaints. Refer to our Fact Sheets page on our website at [www.lpbt.com.au](http://www.lpbt.com.au)

### What to do if a client approaches you with a complaint

Under the *Legal Profession Act 2007* (‘the Act’) the parties to a complaint do not need to make an effort to resolve the dispute before approaching the Board. If you are approached by your client about a complaint, we encourage you to be open to resolving the concern before it becomes a complaint to the Board. This will save you a great deal of time and is a better option for strengthening the relationship with the client.

In addition, the *Legal Profession (Solicitors’ Conduct) Rules 2020* (the Rules) sets out a number of obligations with respect to dealing with clients, and in particular Rule 8 requires a solicitor to be honest and courteous in all dealings.

- Try to manage any defensive reaction you feel. It is inevitable that clients will be unhappy about your service from time to time. It may be that they don’t understand the legal process, they are stressed, or they are under a misconception as to what should be happening.

- Use the complaint as an opportunity to understand what your client is concerned about and expects from you, and identify ways of improving your service.
- Before reacting, listen and confirm what it is that your client is complaining about. Don’t respond in substance immediately, particularly if you are upset, but give your client a time frame during which you will look into the matter and get back to them.
- Find out what your client wants as a resolution; if you are prepared to offer something different, let them know.
- Communicate clearly about the issues, using neutral language.
- Give your client information about making a complaint to our office if the matter cannot be resolved.
- Discuss how to deal with complaints with other members of your firm. For example, you may agree with your partner that each of you should deal with complaints about the other.
- If you are a sole practitioner, approach the Law Society and find out what others do, and if you are able to help each other.

### What to do if a complaint is made about you

If a complaint is made about you, it is important that you:

- Make reasonable efforts to resolve the issues of concern raised by the complainant, where possible
- follow any instructions or requests from the Board within the set timeframe
- provide relevant information that may help the Board understand the complaint
- avoid any actions that may cause further conflict between you and the complainant

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- contact the Board if you do not understand what is being asked of you
- contact the Board if you require more time to respond.

You have a positive obligation to be open and frank when dealing with the Board and to respond within a reasonable time, in accordance with Rule 48 of the Rules. Rule 48 also requires a solicitor to furnish in writing a full and accurate account of his or her conduct in relation to the complaint.

### Build a strong relationship with your client

A proven way to avoid having complaints made against you is to build a strong and positive relationship with your clients. This is best done through clear and regular communication, providing clarity around billing and managing their expectations by ensuring the clients understand what you can and cannot do for them. Give regular progress reports and discuss what options are available, particularly if anything changes in the course of the matter.

### Take care to scope and cost the matter as accurately as possible

One of the greatest causes of client dissatisfaction is a final bill that exceeds the initial estimate. This is particularly common where the client has not been warned of the possibility that the estimate may change from the beginning of the matter. Taking the time to think through the likely steps in the matter, how long each stage may take, possible complications and required disbursements will help you to come up with a more accurate estimate.

Giving clients a good idea of the likely costs will enable them to decide whether they want to spend that money or to take another option.

### Complaints toolkit for small businesses

The Society of Consumer Affairs Professionals Australia (SOCAP) and the Australian Centre for Justice Innovation at Monash University have developed a complaints handling toolkit for small businesses. The toolkit provides a practical guide for complaint handling within small businesses and includes tips, tools and resources to help you deal with complaints. For further information [visit the SOCAP website](#).

### Further information on complaints

More information about the types of complaints made about lawyers can be found in the Legal Profession Board of Tasmania annual reports or on our website.

*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, 'Avoiding Complaints' website page.*

## Further information

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

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