

Complaints about the Lawyers Complaints Service

Handling policy

What is a formal complaint about the Lawyers Complaints Service (LCS)?

A formal complaint about the Lawyers Complaints Service (LCS) is an expression of dissatisfaction about the operation of the LCS. This includes complaints regarding:

- the way a person or firm has been treated by the LCS;
- the process followed or implemented by the LCS; and
- any other matter about the way in which the LCS has carried out its duties, functions, or powers.

Please note this does not include a complaint about a decision or determination made by a standards committee (committee) as these carry a right of review to the [Legal Complaints Review Officer](#). (LCRO)

Where a complaint is about the actions or decisions you think a committee should take on a current inquiry or complaint, or there is an alternative process you think a committee ought to follow, we may forward that to the Committee as a submission rather than treating it as a complaint about the LCS.

How to make a complaint about the LCS

In the first instance, we encourage you to contact the Professional Standards Officer responsible for your LCS matter. If you are not satisfied after doing so, you are able to speak with a Team Leader.

If you remain dissatisfied, it is best to put your concerns in writing. If you find it difficult to do this, ask a friend, relative or volunteer to help, or you can call our complaints team on 0800 261 801. You can email your complaint to complaints@lawsociety.org.nz clearly marking your email as a 'Complaint about the LCS.'

It will help us deal quickly with your complaint if you set out your concern and your attempts to resolve the matter as fully as possible. We do not require copies of your complaint documentation.

It is important to note that:

- we cannot provide you with legal advice;
- we cannot award compensation; and
- we cannot act as an advocate for you.

What happens when you make a complaint about the LCS

Your complaint about the LCS will be read, acknowledged, and assigned to a senior staff member to respond to.

The senior staff member may contact you and seek further information. They may also consult with the staff who have been involved with the relevant file and will consider any legislative or procedural matters.

We will respond to your complaint as promptly as we can. We aim to respond to your complaint within 20 working days of receiving it. In some cases, a full response will not be possible within this timeframe, but we will keep you updated as to the expected timeframe.

Decisions on complaints about the LCS

Because the nature of complaints can vary, a wide range of decisions are possible. The most common outcomes are summarised here.

Complaint is upheld and corrective action is taken

If we agree with you that we have not met our own high standards of performance, we will advise you of the corrective action we intend to take and what changes, if any, we intend to implement to ensure that we do not repeat this.

Complaint is unfounded – no further action

If, after considering the matter, we form the view that your complaint is unfounded, we will give you brief reasons for why we have formed that view.

Notifying the Legal Complaints Review Officer (LCRO)

A copy of your correspondence, and the response letter will be provided to the LCRO in accordance with [s124\(g\)](#) of the [Lawyers and Conveyancers Act 2006](#).

You will not hear directly from the LCRO as part of this process. If there are any concerns with the way in which your complaint against the LCS was processed, the LCRO will contact the LCS and, as appropriate, this will be communicated to you by the LCS.

Unreasonable complainant or lawyer conduct

Having responded to your complaint, we will not normally engage in further correspondence on the same issues.

The LCS is under no obligation to respond to complainants or lawyers whose conduct is unreasonable.

Unreasonable conduct is defined as any behaviour which, because of its nature or frequency, raises substantial health, safety, and/or resource concerns or equity issues for the parties to a complaint or staff. For LCS purposes, this includes parties seeking to revisit the same issues that have been addressed previously.

If we take the view that the conduct is unreasonable, we will advise the person of our view and that in some cases that we will not be corresponding any further. We will explain how any new or ongoing complaints will be handled.

If we take the view that a lawyer's conduct is unreasonable, we may refer the matter to a committee as a complaint, or a potential Own Motion Inquiry.

Complaints to the President or Chief Executive

The President and the Chief Executive are not involved in responding to individual complaints. Should any individual make an enquiry or submit a complaint to the President or Chief Executive directly, this is referred to a Senior Manager for a response.