



# Complaints against members of the Law Society of Jersey

Guidance notes

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## Introduction

This booklet is designed to give information and guidance on the complaints process for:

- People who have a complaint about their Jersey qualified advocate or solicitor, and
- Jersey qualified advocates or solicitors who have a complaint made against them.

The booklet is in three sections:

**Section 1** gives information and guidance for people who want to make a complaint about an advocate or a solicitor. It explains how to make a complaint and the types of complaints that can be considered.

**Section 2** gives information and guidance for advocates and solicitors who have a complaint made against them, including how to respond.

**Section 3** gives information for complainants and for advocates and solicitors. It includes more detailed information about the disciplinary process.

## **Section 1 - Information on how to make a complaint about an advocate or a solicitor**

Most firms of Jersey lawyers have their own complaints procedure which should be explained in the engagement letter you will have received from your lawyer after asking him or her to act for you. **Any complaint you may have concerning a Jersey qualified advocate or solicitor should, in the first instance, be referred to the person in the firm who is responsible for dealing with complaints. If that person is the advocate or solicitor you wish to complain about or if he or she is a sole practitioner then you should still raise your complaint with them first. If you cannot resolve your complaint in this way you should follow the guidance notes set out in this booklet.**

If you have complained direct to the President of the Law Society before complaining to the advocate or solicitor, he may decide to refer your complaint to the lawyer's firm before considering it.

### **How do I make the complaint?**

All complaints must be in the standard complaint form which can be found at the end of this leaflet. You can also download the complaint form from the Law Society website [www.jerseylawsociety.je](http://www.jerseylawsociety.je)

If you have any questions about how to fill the form in or if you are unable to fill it in for any reason please contact the Chief Executive Officer of the Law Society at P.O. Box 493, St. Helier, JE4 5SZ or by email at [ceolawsoc@gmail.com](mailto:ceolawsoc@gmail.com)

### **Does it cost anything to make a complaint?**

There is no charge for making a complaint.

### **Who can I complain about?**

The disciplinary process can only deal with complaints about advocates or solicitors who are qualified to practise in Jersey.

Complaints about people who offer legal services but who are not qualified advocates or solicitors cannot be considered.

Complaints against English Solicitors practicing in Jersey cannot be considered. Please contact [www.legalcomplaints.org.uk](http://www.legalcomplaints.org.uk) about these.

### **What kind of complaint can I make?**

There are two types of complaint that can be dealt with namely

- Professional misconduct, and
- Inadequate or poor professional service

Some complaints come under both types. You do not have to decide which type your complaint is.

## **Professional misconduct**

The Law Society has rules which govern how lawyers should practise and conduct themselves. A copy of these rules, known as the Code of Conduct, can be found in the information section of the Law Society website [www.jerseylawsociety.je](http://www.jerseylawsociety.je) . Professional misconduct is when an advocate or a solicitor has breached the Code of Conduct.

In the absence of professional misconduct, you cannot make a complaint about a lawyer who is acting for someone else as he or she is only doing their job i.e. advising what is best for his or her client. Complaints cannot be made against that lawyer just because you do not agree with the advice being given to his or her client.

Examples of professional misconduct on the part of a lawyer are:-

- failing to keep your business confidential;
- failing to pay money which is due to you or not preparing accounts showing what is owed to you;
- acting for you and for someone else when you and the other person have different interests which conflict with each other;
- not handing over your papers and files;
- using your money without your permission;
- acting dishonestly or in a way that damages the profession's reputation;
- misleading the court;
- acting against your instructions or best interests;
- dropping out of a case at short notice without good reason;
- inappropriate language and/or behaviour whether in Court or in public.

## **Poor service**

Your complaint may be about the quality of the service you have received from your lawyer. Poor or inadequate service covers problems such as your lawyer:

- not doing what you have asked them to do;
- involving you in unreasonable delays;
- giving you inaccurate or incomplete information;
- consistently failing to reply to your phone calls and letters;
- not giving enough information about costs before beginning to act for you or prior to giving you the final bill;
- failing to advise you of any increase in the hourly rates which you have been advised would be charged;
- failing to keep you fully informed about what is going on with your case.

Complaints of this type can only be made by the lawyer's client. Not all complaints will amount to misconduct. Once your complaint has been lodged the Chief Executive Officer will contact you to discuss the complaint and the way forward.

## **Are there complaints that cannot be dealt with?**

### **Professional Negligence**

Professional negligence is a complicated legal concept that must be decided by the Royal Court. It is the duty of a lawyer to act properly and in the best interests of his or her client. Negligence happens

where a lawyer has failed to do this. If your lawyer has been negligent, you may be able to take Court proceedings against him if the negligence has meant that you:

- have lost money; or
- have spent money trying to sort out the problems caused.

If you believe that your lawyer has acted negligently you should seek advice from another lawyer on whether you have grounds for a claim of professional negligence as soon as possible as there will be time limits after which it will be too late to make a claim.

If you are advised by another lawyer that, in his opinion, your previous lawyer has not acted negligently and that your claim would be unlikely to succeed, you may still feel that the service provided to you was poor. (See “Poor service” above).

You will be advised whether or not your complaint can be dealt with or whether it would be more appropriate for you to seek legal advice.

### **Theft and dishonesty**

If you believe that your lawyer has acted dishonestly you should contact the police and the senior partner of the firm concerned. If the lawyer complained about is the senior partner or is in business on his or her own then you should contact the States of Jersey Police and the President of the Law Society.

### **Problems the Law Society cannot help with**

The Law Society does not have the power to:-

- give you legal advice;
- comment on any advice given to you by your lawyer or on your complaint against your lawyer;
- comment on the outcome of any court case in which you have been involved.

If your complaint is that you do not feel that you should pay all or any of the fees which the lawyer has charged because of the poor service you have received then you should refer to the section headed “Lawyers’ fees” set out below on page 11.

If you want a review of a decision of the Acting Bâtonnier as to whether or not you are granted Legal Aid, you should contact [Acting.Batonnier@ogier.com](mailto:Acting.Batonnier@ogier.com) for details as to how to appeal

### **What information should I send with the complaint form?**

There are guidance notes with the form explaining how to fill it in and what information is needed for each question. If you are not sure how to fill in any part then please contact the Chief Executive Officer at P.O. Box 493, St. Helier, JE4 5SZ or by email on [ceolawsoc@gmail.com](mailto:ceolawsoc@gmail.com)

When filling in the form, you should describe your complaint as clearly and concisely as possible and provide the evidence to support your complaint. Please attach copies of any documents that are relevant which may include:

- Court judgments;
- Transcripts of relevant hearings;

- Instructions given to your lawyer;
- Copies of relevant correspondence;
- Advice received from your lawyer.

Please send all the papers in together at the start rather than a little at a time. If you are not sure which documents are relevant, please send a list of the ones you have and you will then be asked to provide copies of the documents which seem to be relevant. Do not send original documents with your complaint unless you are asked to do so.

### **What happens after I submit my complaint form?**

Your complaint will be considered by the President of the Law Society

If you are, for some reason, unable to submit the complaint in writing then the President will ask someone to assist you. The President can also ask you to provide further information so that he can make sure that he understands the main aspects of your complaint. If the President is satisfied that there are sufficient grounds for considering the complaint he will refer the papers to a disciplinary committee. If, having considered the paperwork, the President is satisfied that the complaint is not a matter that should be referred to the disciplinary committee or that it is vexatious, frivolous or trivial, then he may refuse to convene a disciplinary committee. You will find more information in section 3 below about the way in which complaints are investigated.

### **What can I do if the President dismisses my complaint?**

If the President dismisses a complaint he must inform the Attorney General. The Attorney General can, if he deems it appropriate, refer the complaint to the Royal Court. For further information as to what happens if he does this see page 9 below.

### **How long will it take to consider my complaint?**

It is impossible to give a definite time scale as each complaint is different and some are more complex than others. However the aim is to complete each complaint within a period of six months from that date upon which the President feels that the paperwork to be referred to the disciplinary committee is in order.

If you need to know anything about the procedure for dealing with complaints and it is not explained in this leaflet please contact the Chief Executive Officer at P. O. Box 493, St. Helier, JE4 5SZ or by email on [ceolawsoc@gmail.com](mailto:ceolawsoc@gmail.com)

## **Section 2 - Information and guidance for advocates and solicitors who have had a complaint made against them**

This guidance aims to answer some of the more common questions that advocates or solicitors have when a complaint is being investigated. The full process for dealing with complaints is explained in Section 3 of this leaflet and in The Law Society of Jersey (Disciplinary Proceedings) Rules 2010.

### **Why is a complaint against me being investigated?**

When a complaint is received against an advocate or a solicitor, the complaint is first considered by the President, who can decide to dismiss it or to refer it to a disciplinary committee. You will then be told about the complaint and provided with any supporting documentation. The disciplinary committee may advise you of the date of a directions hearing, if one is necessary, at which a schedule for filing material will be decided and any other appropriate directions made.

### **What if I want to provide confidential or privileged information with my response?**

You should provide a response that can be sent to the complainant so it should not include confidential or privileged information. However, if there is material that you do not want the complainant to see, you should provide this separately and clearly mark at the top that it is not for disclosure. You should also provide reasons why it should not be disclosed. Depending on the nature of the documents you provide, and the reasons for not disclosing them, the documents may be returned to you. This will mean that the disciplinary committee does not take them into account when considering the complaint.

### **How should I respond to the complaint?**

There is no prescribed format for your response but it would be helpful to include:

- A chronological summary of the main facts and the principal issues related to the case and/or the complaint;
- Your response on each aspect of the complaint;
- Any supporting documents that you think are relevant to the complaint.

### **Section 3 – The disciplinary process**

This section gives information for complainants and lawyers and explains the process in more detail. Full details of the process can be found in The Law Society of Jersey (Disciplinary Proceedings) Rules 2010.

If the President considers that a complaint merits an investigation he must ensure that the complaint is in writing and that there is sufficient information, including documentation, to establish exactly what the complaint is. Each and every allegation of professional misconduct must be set out so that the issues are clear and can properly be addressed and the facts in support of the allegations must be set out with references being made to any relevant documents. The President can either do this himself or appoint a member of the Law Society to do this for him and to present the case on behalf of the Law Society. Once the President is satisfied that the complaint has been properly formatted, he must promptly select a disciplinary committee and send the complaint to the members of the disciplinary committee. The disciplinary committee will be made up of three members, two of whom are independent lay members approved by the States and one of whom is a member of the Law Society. The President will ensure that none of the members of the disciplinary committee has a conflict of interest.

The disciplinary committee makes sure that the person making the complaint, the lawyer complained of, and the Bâtonnier or the President of the Chambre des Ecrivains, as the case may be, receives the papers relating to the complaint as soon as possible. At the same time as it sends out the papers, the disciplinary committee, if it so wishes can give any directions it deems necessary such as the time limits imposed for filing documents, for presenting lists of witnesses, fixing a date for the hearing, to name but a few. If deemed necessary, the disciplinary committee might hold a directions hearing for the purpose of formalising a timetable relating to these matters. All parties involved **must** adhere to the directions given by the disciplinary committee unless there is a good reason why someone cannot, in which case an application will need to be made to the disciplinary committee for the directions to be amended.

At the hearing the disciplinary committee can hear evidence from the complainant, the practitioner and agreed witnesses. Evidence can also be given by a statement in writing but there are strict rules which must be followed if either the complainant or the practitioner wants to rely on evidence in writing.

The President of the Law Society or a member nominated on his behalf will present the complaint. However, the complainant can also ask his own advocate or solicitor to represent him at the hearing, as can the practitioner. If either the complainant or the practitioner wishes to be represented at the hearing by someone who is not an advocate or solicitor then he or they must obtain the approval of the disciplinary committee for that person to attend at least seven days **before** the hearing.

Both the lawyer and the person making the complaint have to provide details of the people who will be attending the hearing, including those people who will be called as witnesses (if any) at least seven days before the date of the hearing.

The hearing is held in private and only the complainant, the practitioner and/or their representatives, the Bâtonnier, the President of the Chambre des Ecrivains, the Attorney General or the Solicitor General are allowed to attend. The witnesses are only allowed to attend the hearing when they are giving evidence.

You have the right to be present for the whole of the hearing as does the practitioner but, if either or both of you choose not to attend, then the hearing can continue in your absence.

**It is important that all parties realise that the disciplinary committee does not sit as a court and does not follow and therefore is not bound by any rules which relate to courts in Jersey.**

### **What happens after the hearing?**

After the hearing, the disciplinary committee will meet on its own to consider what it has heard and make a decision as to whether or not some or all of the allegations against the practitioner have been substantiated. You may be advised of this on the day of the hearing but it is more likely that you will be sent a letter setting out the decision which has been reached.

### **What can the disciplinary committee do?**

The disciplinary committee can:

- dismiss the complaint if it believes that it is unfounded;
- privately rebuke the practitioner by sending a confidential letter to him;
- publicly reprimand the lawyer by placing a notice in the Jersey Gazette, although a public reprimand will not be made public until the time for an appeal by the lawyer has expired;
- refer the complaint to the Attorney General without itself making a finding.

However, before deciding on any sanction, the practitioner is entitled to make submissions to the disciplinary committee by way of mitigation. The complainant will usually be invited to attend to hear these submissions. However, if the mitigation is of such an exceptional nature that it should not be made public, the disciplinary committee shall, at the request of the practitioner, have the discretion to exclude the complainant from hearing the submissions in mitigation. Having heard the practitioner the disciplinary committee will make its decision. Although the sanction might be announced after hearing the mitigation, it is more likely that the decision will be set out in writing.

The disciplinary committee does not have the power to award any compensation, financial or otherwise, to the person making the complaint.

If you or the practitioner is not satisfied with the decision of the disciplinary committee then you both have the right to appeal to the Royal Court. An appeal must be lodged within one month of the date upon which the decision of the disciplinary committee is sent to you.

### **What can the Royal Court do if there is an appeal?**

The Royal Court can:

- Confirm the decision of the disciplinary committee;
- Reverse a decision;
- Impose a greater sanction as set out in the following paragraph if it feels that the sanction imposed by the disciplinary committee was inadequate;
- Make any order it deems fit with regards to costs.

### **What happens if the Attorney General refers a complaint to the Royal Court?**

The Attorney General can refer to the Royal Court:

- A complaint which the President has refused to refer to a disciplinary committee; or
- A complaint which has been referred to him by a disciplinary committee.

The Royal Court holds a hearing at which the Attorney General presents the complaint. Both the Attorney General and the practitioner have the opportunity to call evidence and cross-examine witnesses.

The Royal Court can dismiss the complaint if it is satisfied that it has not been proved and that there has been no professional misconduct on the part of the lawyer.

If however, the Court finds that complaint is proved and that there has been professional misconduct then it can do one of the following to the lawyer:

- Privately rebuke him;
- Publicly reprimand him;
- Impose a fine;
- Suspend him from practicing as an advocate or solicitor for a specified period not to exceed six months;
- Order that his name be removed from the roll of advocates or solicitors as the case may be.

The practitioner and the Attorney General shall have the right to appeal to the Court of Appeal against a decision made by the Royal Court but the complainant does not have this right.

## **Section 4 - Lawyer's fees and fee complaints**

Lawyers' charges can vary as they are based on a number of factors such as the type of work carried out, the level of expertise of the lawyer and members of his staff involved, the urgency with which the job has to be done and the overheads of the firm, to name but a few. The engagement letter mentioned above should also set out details of the hourly rate which you will be charged for the work being carried out or a "flat fee" depending on the nature of the work being carried out for you. You are entitled to ask for an estimate of the likely costs which might be involved or ask your lawyer to advise you when the costs incurred reach a specified figure so that you can decide whether or not it is feasible to continue with the matter.

If you wish to proceed with a complaint about fees then you should complete a Fee Complaint Form and send it to the Law Society. You will find the appropriate form at the end of this leaflet together with the address to which the form should be sent. The form can also be downloaded from the website. You should provide as much detail as possible on the form.

If your complaint relates to fees where the amount in dispute is less than £5,000 the Law Society will endeavour to mediate between you and the lawyer concerned to try and resolve the dispute.

If the amount in dispute is for more than £5,000, the dispute will be referred to an independent lawyer who will look at the complaint, look at the lawyer's file and decide if the fees charged are reasonable for the work which was carried out. You should be aware that this adjudication is only possible if both you and the lawyer agree to be bound by the decision that the adjudicator reaches. Both parties will therefore be asked to confirm this agreement in writing before any adjudication takes place.

Unfortunately, if mediation is not effective for sums in dispute under £5,000 or if either party does not agree to be bound by an adjudication for sums over £5,000 the Law Society will not be able to deal with the complaint and, in such circumstances, Court proceedings are likely to be the only way for one party to recover any sums claimed to be due from the other.

## **Additional information:**

The Law Society of Jersey Law 2005, Articles 18 to 32  
The Law Society of Jersey (Disciplinary Proceedings) Rules 2010  
The Code of Conduct.  
Frequently asked questions with regard to the administration of estates

Copies of all of these can be downloaded from the website [www.jerseylawsociety.je](http://www.jerseylawsociety.je)

## **Contacts**

All correspondence for any Officer or member of the Law Society Committee should be sent to:

P.O. Box 493  
St. Helier  
JE4 5SZ  
Email address: [ceolawsoc@gmail.com](mailto:ceolawsoc@gmail.com)

# Instructions on how to use this form

1. Please first save this form to your computer. If you do not have access to a computer you can obtain a form from the Chief Executive Officer
2. Fill out the form on screen. You can save the document and come back to it later.
3. Once you have completed the form, print it, sign it and then post it along with any supporting documents to the address listed on page six.

**Please note that this is not the form to complete if you are making a complaint about fees charged by your lawyer. You should download and complete “Request for fee adjudication form”**

# Guidance on filling in the complaint form

If you have any questions about the complaints process, please contact the Chief Executive Officer at P.O. Box 493, St. Helier, JE4 5SZ or on [ceolawsoc@gmail.com](mailto:ceolawsoc@gmail.com)

Please read the information leaflet “**Complaints against members of the Law Society of Jersey**” before filling in the complaint form. Also, please read the whole form before you begin filling it in.

Please fill in the form in **dark ink** and in clear writing, or you can download it from our website ([www.jerseylawsociety.je](http://www.jerseylawsociety.je)) and type your answers into the form. If you need more space to answer any of the questions, please continue on extra sheets of paper and clearly show which question the sheets belong to.

## Section 1 - Your details

We first need to know whether you are making the complaint yourself, or whether you are making it on behalf of someone else. Either way, we need the person who is filling in the form to give their name, full address, or (if possible) a daytime phone number and email address.

If you are complaining on behalf of someone else, you must get that person to sign the declaration in **section 1a**. If the person you are complaining for is not able to sign the form (for example, if they are in prison or abroad), you must get a letter of authorisation from that person similar to the declaration on the form and attach the letter to the completed form.

Please tell us as soon as possible if any of your contact information changes while we are considering or investigating your complaint.

## Section 2 - The lawyer's details

You must give the full name of the lawyer that you are complaining about so we can correctly identify him or her. If you are unsure of the lawyer's address, please phone us with their full name and we will help to find their address.

We also need to know whether your complaint is about the lawyer's work in a court case or other legal work by the lawyer. Please tick the box to show whether the lawyer was acting for you, for the other side, or for somebody else.

If you are complaining about more than one lawyer, you should fill in a separate form for each practitioner.

## Section 3 - Instructions the lawyer received

It is useful for us to know who instructed the lawyer and if it was not you, to have that person's contact details. Please fill in this section as fully as you can and leave blank any questions that you do not know the answers to.

#### **Section 4 - Details of the case**

You only need to fill in this section if your complaint is about a lawyer's work in a court case. We need as much information as possible about the name of the court case, the court name, the date(s) of the relevant hearings, and the court reference number (if you know it).

Please also give a brief description of what the case was about (for example, who brought the case against whom and why).

We also need to know if the court case is still continuing, whether the lawyer is still instructed, and the details of any appeal. If you are appealing the decision, we will usually delay considering your complaint until the appeal has ended. It is therefore important that you give as much information as possible about the stage the appeal is at.

#### **Section 5 - Time limit**

We need to know when the behaviour that you are complaining about took place. If you are complaining about a lawyer's actions at a court hearing, please provide the date(s) as accurately as you can.

If the behaviour was more than six months ago, we need to know why there has been a delay. Your complaint may be dismissed if there is not a good reason for the delay.

You should first complain direct to the lawyer's firm. If you do not, we may refer your complaint to the firm to be investigated internally first. If there is a particular reason why you think we should not do this, please say why and we will consider your reasons.

#### **Section 6 - Details of your complaint**

In section 6a, please describe the background of the complaint as clearly and concisely as you can, by explaining what happened. In section 6b, please try to list your individual complaints about what the lawyer did or did not do as clearly as you can. This will help us understand your complaint.

In section 6c, please tell us what you would like to happen to put things right. You should be aware that the disciplinary committee is not able to overturn the decision of a court or order a retrial. It is only able to provide the 'remedies' listed in the leaflet "**Complaints against members of the Law Society of Jersey**".

It is also important that you give the contact details of anyone who saw or heard the actions that you are complaining about, as we may decide to contact them. Finally, we need to know what papers you enclosed with your form so that we can make sure we have received everything you sent.

#### **Section 7 - Declaration**

Please read the statement and then sign and date the declaration.

#### **Keep a copy of the complaint form**

Don't forget to keep a copy of the complaint form for you to refer to. This will help both you and us if we have any questions.

# Complaint form

Please read the guidance notes and our leaflet “Complaints against members of the Law Society of Jersey” before filling in this form.

Please tick whether you are filling this form in:

- for yourself. Please fill in **Section 1**, and then go to Section 2
- on behalf of someone else. Please fill in **Section 1 and Section 1a**, and then go to Section 2.

## Section 1 Your details

Title (Mr, Mrs, Ms and so on)	
Your full name	
Your address	
Postcode	
Daytime telephone number	
Email address	

<b>Section 1a</b>	
Name of the person you are filling in the form for	
<b>If you are filling the form in for someone else, you will need them to sign the following declaration:</b>	
I agree to the person named in Section 1 making this complaint on my behalf and for all correspondence to go to them.  <b>Complainant's signature</b>	

**Section 2 - The lawyer's details**

Lawyer's full name	
Lawyer's address	
Postcode	
<u>Phone number and email address (if known)</u>	

**Is your complaint about**

the lawyer's work in a court case?	
other legal work by the lawyer? If so, what was the nature of the work?	

**Was the lawyer acting**

For you?	
For the other side?	
For somebody else? If so, who?	

**Section 5 - Time limit**

<p>When did the action, or actions, that you are complaining about take place? (For example, if you are complaining about a lawyer's actions in court, what was the date of the hearing?)</p>	
<p>If it was more than six months ago, please explain why there has been a delay in sending in the complaint</p>	
<p>Have you raised the complaint directly with the lawyer or through the complaints procedure of the relevant firm?</p>	
<p>If you have raised the complaint with any of the above, what was the outcome? If you have not raised the complaint with the lawyer or through the complaints procedure of the lawyer's firm, please explain why.</p>	

**Section 6 - Details of your complaint**

a) Please briefly describe the background to your complaint (that is, what happened).

b) Please list, as clearly as you can, the main aspects of your complaint based on the facts on the previous page.

c) How would you like this complaint resolved? Please note that compensation cannot be awarded.

Explanation	
Apology	
Disciplinary action	
Other (please state)	

d) Please give details of any witnesses who can provide relevant information about the complaint

Name and address	
Information which they can give	

e) Please list the documents which you are enclosing

## **Section 7 - Declaration**

To deal with your complaint we will need to show the complaint form, and any documents you provide, to the lawyer concerned. We may also need to show them to their employer. Please sign and date below to give us permission to do this. We are unlikely to be able to take this complaint further if you (or the person complaining on your behalf) do not sign and date this section of the form.

**I agree that the President of the Law Society and/or any Disciplinary Committee can disclose my complaint, and any information I provide about it, to the lawyer named in this form and anyone else necessary. I also agree that the lawyer can disclose to the President and/or any Disciplinary Committee any information necessary for my complaint to be considered.**

**I declare that all the information I have given in this form is, to the best of my knowledge, complete and accurate.**

**Your  
signature**

**Date**

**Checklist - Please make sure you have:**

Read the guidance note

Signed the declaration

Given us a list of your specific complaints

Enclosed any supporting evidence

Given the full name of the lawyer concerned

Fully answered all the questions that apply to you

**When you have filled this form in please send it to:**

The Chief Executive Officer

Jersey Law Society

P. O. Box 493

St. Helier

JE4 5SZ

**We recommend that you make a copy of this form before sending it to us.**

# **Request for fee adjudication form**

## **JERSEY LAW SOCIETY**

### **Notes for guidance**

You should provide as much information as possible with regard to the fees charged by your lawyer, including copies of the fee notes, receipts, breakdowns of the fee notes and any engagement letter which details the charge out rate agreed.

If the amount in dispute is less than £5,000, the Secretary of the Law Society will mediate between you and the lawyer concerned to try and resolve the dispute.

If the amount in dispute is for more than £5,000 the dispute will be referred to an independent lawyer to adjudicate and decide if the fees charged are reasonable. The adjudication is only possible if both you and the lawyer agree to be bound by it. Both parties will therefore be asked to confirm this agreement before any adjudication takes place.

If mediation is not effective for sums in dispute under £5,000 or if either party does not agree to be bound by an adjudication for sums over £5,000, the Law Society will not be able to deal with the complaint and, in such circumstances, Court proceedings are likely to be the only way for one party to recover any sums claimed to be due from the other.

Name of Complainant:	
Address:	
Telephone number:	
Email address:	
Lawyer's name:	
Lawyer's firm:	
Your relationship with the lawyer:	Client <input type="checkbox"/> Former client <input type="checkbox"/> Other (please specify)
Type of work carried out:	
Are you making this complaint on behalf of another person? If you are, please explain why the person is not making the complaint personally	Yes/No
If yes, please state that person's name and address:	
Is this person aware that you are making this complaint on their behalf?	Yes/No
Did your lawyer give you an estimate of	

fees and/or agree an hourly charge out rate with you?	
Please confirm the total amount charged and enclose copies of bills and all correspondence relating thereto including any agreement re fees.	
Have you paid any fees at all and if so how much?	

**Declaration**

I ask that the Law Society of Jersey to adjudicate on the fees which I have been charged by my lawyer, details of which have been provided above. I am aware that the Law Society of Jersey may send a copy of this complaint form to the legal practitioner concerned. Accordingly I authorise the Society to disclose to the above-named practitioner(s) or his or her firm generally, all or any part of the contents of my complaint.

In addition I authorise the practitioner(s) to make available to the Law Society or its representative for perusal and copying all deeds, documents, files, records or other information held by the practitioner(s) or under his or her control which is any way relates to the above-mentioned matter and to make full disclosure to Law Society of Jersey all communications received by the practitioner(s) on my behalf in relation to this matter.

**I understand that by signing this request for an adjudication that I am agreeing to be bound by the decision of the mediator or the adjudicator as the case may be.**

You must complete and sign this section before your complaint will be considered.

Signed (Complainant): \_\_\_\_\_

Signed (Interested party (i.e. having legal standing)): \_\_\_\_\_

Date: \_\_\_\_\_

Please ensure that you have enclosed the relevant documentation and then forward to:-

The Chief Executive Officer  
 Jersey Law Society  
 P. O. Box 493  
 St. Helier  
 JE4 5SZ