

Complaints with regard to professional misconduct

A complaint that a member of the Law Society of Jersey has been guilty of professional misconduct should be addressed to the President of the Law Society.

The complaint should, if possible, be made in writing. If you are unable to submit the complaint in writing then the President will ask someone to assist you. The President can also ask you to provide additional information. 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 does not relate to professional misconduct or that it is vexatious, frivolous or trivial, then he may refuse to convene a disciplinary committee.

The disciplinary committee will be made up of three members, two of whom are independent non-lawyers and one of whom is a member of the Law Society. The disciplinary committee will be chosen by the President and must meet within 5 to 10 days of the complaint being sent to it by the President.

The disciplinary committee makes sure that the person making the complaint, the lawyer involved and the lawyers who are the head of the advocates or solicitors have the appropriate papers. The disciplinary committee will set a date for a hearing of the complaint which will normally be not earlier than 28 days after the lawyer who you have complained about has been sent the papers. The lawyer has the opportunity to send a written statement in answer to the complaint but no later than ten days before the date fixed for the hearing of the complaint.

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 four days before the date for the hearing. You can speak for yourself at the hearing or you can ask an advocate or a solicitor to help you (or any other person, provided that the disciplinary committee has approved this in advance of the hearing).

At the hearing which is held in private, those present will be asked to speak on oath. The disciplinary committee can ask either party to provide any further information it may require about the complaint. You have the right to be present for the whole of the hearing as does the lawyer but, if either or both of you choose not to attend, then the hearing can continue in your absence.

After the hearing, the disciplinary committee will consider what it has heard and make a decision. You will be sent a letter setting out the decision of the disciplinary committee. The disciplinary committee can dismiss the complaint if it believes that it is unfounded or it can privately or publicly reprimand the lawyer. If the disciplinary committee feels that the complaint is more serious, it can refer the complaint to the Attorney General. The disciplinary committee does not have the power to award any compensation to the person who is making a complaint. A public reprimand will not be published until the time for an appeal has expired.

You have the right to appeal to the Royal Court if you are not satisfied with the decision of the disciplinary committee, an appeal must be lodged within one month of the communication of the disciplinary committee's decision.

The following sources provide additional information;

The Law Society of Jersey Law 2005, Articles 18 to 32

Rules of the Disciplinary Panel of the Law Society of Jersey

The Law Society of Jersey Code of Conduct

This process applies only to Jersey qualified Advocates and Solicitors. If you have a complaint about an English Solicitor practising in Jersey you should contact www.legalcomplaints.org.uk