



# Internal Complaints Procedure FOR DIRECT USE WITH ADVOCATES Complaint Resolution Form 1

(If you wish the IOM Law Society to become involved please use Form 2)

## C. Additional information

*Please tick as appropriate:*

I am happy for you to deal with my complaint in writing

I would prefer you to arrange a meeting to discuss my complaint

What I would like you to do to resolve my complaint :

My ideal outcome would be:

Signed:

Date:

.....

**TO THE CLIENT:**

- 1.) This form has been designed by the Isle of Man Law Society.
- 2.) Your Advocate should reply within 14 days of receiving this form.
- 3.) Please read the notes on page 3 before completing.
- 4.) There is no need for you to correspond with the Isle of Man Law Society or the Advocates' Disciplinary Tribunal but you may do so if you wish.

# NOTES FOR THE CLIENT

## When should you use this form?

### When should you use this form

- If you have a complaint about the way your advocate is dealing with or has dealt with your case, you should first try to resolve the problem with the firm.
- This form is designed to help you to put your complaint directly to your advocate.

You do not have to complain in writing, but it is wise to do so as you and the advocate will then have a record of your concerns. You do not need to use this form but you may find it easier to do so.

### Where to send this form

- Advocates must have a procedure of handling complaints.
- Your Advocate should have told you when you first took your business to the firm, who to contact if you have a complaint, and that is the person to whom you should address the form in section A
- If you have not been given a name, send the form to the complaints handling partner.
- Mark the envelope "Private and Confidential".

### How you should set out your complaint

- Set out details of your complaint in section B.
- Make your complaint short and to the point.
- Give examples of problems.
- Always give dates where you can.
- If you have more than one complaint, list them and give them numbers – this makes it easier for your advocate to reply to you
- In section C, tell the advocate what you would like him/her to do to solve

the problem.

- Try to give a reasonable and helpful suggestion.
- When you have completed the form make a copy for your records and send the completed form to the advocate's firm.

### How long should you wait for the advocate to reply?

- You should normally get a reply in 14 days, but please be patient, especially if your case is complicated.
- If you do not hear from your advocate within 14 days, send a brief reminder letter – and keep a copy yourself.
- It is better if you and the advocate sort out the problems together – though the Isle of Man Law Society is available to help if you cannot.

### What you should do if you cannot resolve a complaint

If you:

- a) Do not receive a detailed reply from your advocate after a reasonable time (say 14 days); or
- b) Find that you cannot resolve the problems directly with your advocate; or
- c) At any time wish to do so you may make an **informal** complaint to the Isle of Man Law Society or a **formal** complaint to the Advocates' Disciplinary Tribunal. This body is independent of the Law Society. Please note that the Advocates' Disciplinary Tribunal can also deal with complaints against Registered Legal Practitioners. The Isle of Man Law Society cannot deal with complaints against Registered Legal Practitioners or Legal Executives but it may be appropriate for the Society to get involved if the complaint is that a Manx Advocate has not properly supervised such a person.

Details of the Advocates' Disciplinary Tribunal can be found on the Isle of Man Website [www.iomlawsociety.co.im/pdfs/ADT-Guide.pdf](http://www.iomlawsociety.co.im/pdfs/ADT-Guide.pdf). Complaints to the Advocates Disciplinary Tribunal must be made in writing to:-

The Clerk to the Advocates' Disciplinary Tribunal,  
Crown Division,  
Chief Secretary's Office,  
Douglas, Isle of Man,  
Telephone 01624 685211

### Please do not use this form if:

1.) Your complaint is about the amount of your advocate's bill. Talk directly to your advocate – there are very short time limits to challenge an advocate's bill, and there are specific procedures to follow.

See the leaflet "Are your Advocate's Charges Fair and Reasonable?"

# NOTES FOR THE ADVOCATE

## What you should do on receipt of this form:

- Acknowledge receipt immediately.
- Tell your client how the complaint will be dealt with and by whom, and what the timescale is likely to be.
- Keep your client informed.
- The form requires a response within 14 days but if you find that this is not possible write to your client saying why and indicate when they might expect to receive a response.
- Make sure you comply with that deadline.
- Note the client's expectations and consider whether they are reasonable. It is important to deal with the complaint as objectively as possible.
- If the client has asked for a meeting respect that preference and try to arrange one.
- It is recommended that you open a complaint file and keep a record of every step taken towards resolution of the complaint.
- Keep in mind that a quick solution to a complaint is inevitably the most satisfactory and cost effective solution for you.

## This complaint should be dealt with between you and your client

- It is not, at this stage registered with the Isle of Man Law Society or Advocates' Disciplinary Tribunal and it is hoped that you and your client will be able to resolve matters and avoid that happening.

## What will happen if you do not reply promptly or fail to resolve the complaint?

A person may lodge an informal complaint with the Isle of Man Law Society or a formal complaint with the Advocates' Disciplinary Tribunal at anytime and may do so if:-

- You have not attempted to deal with the matter within 14 days without acknowledgement or explanation; etc
- You fail to resolve the complaint directly with your client.

If the matter is referred to us, we expect to find that you have made reasonable efforts to find a solution. However, we recognise that not all complaints can be resolved directly between advocate and client and for this reason the Conciliation Service is available.

## 1.) Resolving a Complaint:

- Explain what is happening to the client at every stage.
- Give reasons for any delay.
- Apologise if you have caused a problem.
- Agree what action you will take with your client and carry it out.
- If appropriate, make a reduction in any bill delivered or a concession on any future bill.
- Offer compensation if appropriate.

## 2.) If you are not at fault:

- Give a full explanation of the matter.
- Address each issue that has been raised.
- Keep your explanations objective and do not make the client feel that they should not have raised their complaint. Clients may have simply misunderstood something or been confused. Remember that this is a communication issue that you need to address and to which this complaint has alerted you.
- Respond in writing, even after a meeting.

## 3.) Advantages for you in dealing with this:

- Resolving complaints benefits everyone.
- You are likely to preserve goodwill and have a satisfied client again.
- It is the cheapest and quickest way to solve problems.
- Learning from complaints will help improve your business.
- It reduces the likelihood of a referral to the Advocates' Disciplinary Tribunal.