

ISLE OF MAN LAW SOCIETY CONCILIATION SCHEME

Complaint Resolution Form A (2)

Instructions for filling out this form:

- 1 Please read "Notes for the Client" on page 3 of this document before completing the form
- 2 Unless you have Adobe Professional installed on your system, fill out the form by hand, in black ink and sign
- 3 Return pages 1 & 2 to the Isle of Man Law Society, 27 Hope Street, Douglas, Isle of Man, IM1 1AR. Keep a copy for your records

A. To the Isle of Man Law Society Conciliation Committee

Hall of the Society
27 Hope Street
Douglas
Isle of Man
IM1 1AR

From:

Your Name:

Address:

Postcode:

Telephone No (Day):

Telephone No (evening):.....

Mobile No

(Please tick which you would prefer to be used)

B. I request the conciliation service to help me resolve a complaint about the service I have received from :

Name of Firm:

Firm Reference:

I am complaining that:

Date of service complained about:

C. Additional information

Please tick as appropriate:

I have used the internal complaints procedure of the firm of the advocate about whom I am complaining

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

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C. Additional information continued

Please tick as appropriate:

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

I am happy for you to send this document with accompanying papers to the advocate about whom I am complaining

I have attached additional papers and they are (please list):

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

My ideal outcome would be: (please continue on separate sheet of paper if necessary)

Signed:

Date:

NOTES FOR THE CLIENT

The Law Society Conciliation Scheme has been established to assist people who have a complaint about an advocate which they wish to resolve on an informal basis.

The Conciliation Scheme is intended to deal with matters like poor service or communications. The Scheme cannot impose a punishment on an Advocate and cannot make the Advocate pay compensation to a complainant. It can help a complainant and an Advocate find a resolution which satisfies them both.

If a person wishes to make a formal complaint about an advocate's professional misconduct this should be done through the Advocates' Disciplinary Tribunal (see the Law Society website section 'Complaints' – 'Advocates Disciplinary Tribunal Guidance Notes' and 'Advocates Disciplinary Rules 2009'). The ADT is a body which is independent of the Law Society.

If you wish to pursue a claim for damages arising out of an alleged breach of contract or negligence then a civil litigation claim in the Courts is the appropriate step.

Please note the Isle of Man Law Society Conciliation Scheme does not extend to Legal Practitioners, Legal Executives or Lawyers from other jurisdictions who are not Manx Advocates.

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 and you have been unable/unwilling to resolve the matter using the firm's internal complaints procedure.
- If you have a complaint about an advocate but you are not a client you may still use this form.
- This form is designed to help you to put your complaint as clearly as possible.
- Your complaint must be in writing but if you have difficulty completing

this form then please telephone the Law Society on (01624) 662910 and we can help you.

How long should you wait for a reply?

- You should normally get a reply in 21 days, but please be patient, especially if your case is complicated.
- If you do not hear from the Isle of Man Law Society within 21 days, send a brief reminder letter – and keep a copy yourself.
- The Isle of Man Law Society will send copy of your complaint to the Advocate complained about if you have given us your permission to do so. The Advocate will be asked to respond within 14 days or to advise us if that deadline cannot be met. The Advocate will be asked for his or her comments and explanations and these will usually be sent directly to you. If you are unhappy about those comments or do not feel that the explanation is adequate please contact us and we will arrange a meeting to assist you and the Advocate in resolving the complaint. The Law Society may ask the Advocate to provide further documents or information to assist in the resolution of your complaint.

What you should do if you cannot resolve the complaint:

If you:

- a.) Do not receive a detailed reply from the Law Society after a reasonable time (say 14 days); or
- b.) find that you cannot resolve the problems through the conciliation procedure;
- c.) If you wish to do so at any time you can make a formal complaint to the Advocates' Disciplinary Tribunal. 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 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, Telephone 01624 685210.

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?"
- 2.) The advocate has said that he will not act for you anymore

NOTES FOR THE ADVOCATE

What should you do on receipt of a copy of this form or other copy complaint from the Law Society:

- 1.) Acknowledge receipt to the Law Society immediately.
- 2.) Send the Law society a reply to the complaint within 14 days of receiving it from us. If you have replied directly to the complainant at the request of the Law Society, please send us a copy of that reply.
- 3.) If you need extra time ask for it immediately and give good reason.
 - 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.

Complaints should be dealt with between advocates and clients in the first instance, using your internal complaints procedure but once your complaint has been registered with the Isle of Man Law Society Conciliation scheme :-

- we will seek to assist in resolution if direct advocate/client communication is unsuccessful

What will happen if you do not reply promptly.

If you do not reply promptly it should be remembered that:

- A person may make a formal complaint to the Advocates' Disciplinary Tribunal at any time.
- Additionally, if the Conciliation Committee feels that any matter under consideration gives rise to concerns about serious professional misconduct on the part of an Advocate the Conciliation Committee may recommend to the Council of the Law Society that such misconduct be investigated (Rule 11 Conciliation Rules 2010)

What will happen if you do not resolve the complaint.

- The Law Society recognises that not all complaints can be resolved directly between advocate and complainant. Once the matter has been referred to us and you have tried but been unable to find a solution we shall assist by mediating between the parties in correspondence and by round the table meetings.

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.