

# LAWYERS COMPLAINTS SERVICE

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[WWW.LAWSOCIETY.ORG.NZ](http://WWW.LAWSOCIETY.ORG.NZ)

**0800 261 801**



NEW ZEALAND  
LAW SOCIETY

NZLS EST 1869

Most people are satisfied with their lawyer's services, but sometimes things can go wrong. If you are concerned about a lawyer's service, costs or conduct, you may be entitled to lay a complaint with the Lawyers Complaints Service run by the New Zealand Law Society.

## WHO CAN MAKE A COMPLAINT?

Anyone may make a complaint to the Complaints Service. A complaint can be made against:

- a lawyer or a former lawyer;
- an incorporated law firm or a former incorporated law firm;
- someone who is not a lawyer but who is or was an employee of a lawyer or an incorporated law firm.

In this brochure, all these categories are referred to as "lawyer".

## WHEN SHOULD I CONTACT THE COMPLAINTS SERVICE?

If you are having problems with a lawyer, you should try to work things out with the lawyer or law firm first. It is advisable to follow up a matter causing concern promptly.

All lawyers must have their own procedures for handling complaints and they must tell clients what these procedures are before commencing work for the client. Using those procedures can be the quickest and most effective way of sorting things out.

If you are unable to resolve the issues in this way, or it is not appropriate, you can contact the Complaints Service for advice and for help to make a formal complaint.

## WHAT CAN BE COMPLAINED ABOUT?

You can complain about:

- A lawyer's conduct – for example, if you believe the lawyer has a conflict of interest.
- Poor service, if, for example, your lawyer has:
  - not done what they said they would do
  - involved you in unreasonable delays
  - given you wrong or incomplete information
  - failed to reply to phone calls and letters
  - not kept you informed about the work they are doing for you.
- Costs (but usually only if the bill is more than \$2,000 plus GST and not more than two years old).

You can also make a complaint if your lawyer fails to comply with any order made under the Lawyers and Conveyancers Act by a Standards Committee or the Legal Complaints Review Officer.

There are some things the Complaints Service is unable to help you with. It cannot:

- Give you legal advice or a second opinion on legal advice you have received.
- Inquire into the outcome of or assist with court cases.
- Handle complaints about judges. These are dealt with by the Judicial Conduct Commissioner (phone 0800 800 3232 or see [www.jcc.govt.nz](http://www.jcc.govt.nz)).

The Complaints Service does not handle claims on the Lawyers' Fidelity Fund. For information about the fund, see [www.lawsociety.org.nz/for-the-community/lawyers-fidelity-fund](http://www.lawsociety.org.nz/for-the-community/lawyers-fidelity-fund) or phone (04) 472 7837.

If you are unsure whether you have grounds for making a complaint, contact the Complaints Service for advice, phone 0800 261 801.

## HOW DO I MAKE A COMPLAINT?

If you have already tried to sort out the problem with the lawyer and you are still not satisfied, contact the Complaints Service. It can provide reasonable assistance to any person wishing to make a complaint.

A Legal Standards Officer may be able to help resolve the issue informally. If not, you can make a formal complaint and you will be sent more information about the process for handling it.

It doesn't cost anything to make a complaint, but formal complaints must be in writing and certain information is needed. The Complaints Service has a form that will help you provide all the required information. This includes the outcome you would like to achieve to resolve the complaint. You can get a copy of this form and more detailed information about making a complaint from the Law Society website at [www.lawsociety.org.nz/for-the-community/lawyers-complaints-service](http://www.lawsociety.org.nz/for-the-community/lawyers-complaints-service), by phoning **0800 261 801** or by writing to the Complaints Service (address on back page).

## WHAT HAPPENS TO MY COMPLAINT AFTER IT IS RECEIVED?

When the Complaints Service receives your complaint, it acknowledges the complaint and checks that it is valid. If so, it is sent to a Standards Committee for consideration. A copy is given to the person or firm you have complained about. The Standards Committee, which must consist of at least two lawyers and one non-lawyer member, may:

- Inquire into the complaint.

- Ask you and the lawyer you are complaining about to consider trying to resolve matters by negotiation, conciliation or mediation. Your complaint may be referred to the Early Resolution Service. If so, a Legal Standards Officer will telephone you and explain the process.
- Decide that no action is warranted.

The Standards Committee has a range of remedies it can order depending on its findings. If it considers the matter very serious, it can refer the complaint to the Lawyers and Conveyancers Disciplinary Tribunal. You will be informed about what the Standards Committee decides. You can ask the Legal Complaints Review Officer to review the decision if you are dissatisfied.

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For more detailed information about the complaints process, the possible remedies available and a copy of the complaint form:

Check the website: **[www.lawsociety.org.nz/for-the-community/lawyers-complaints-service](http://www.lawsociety.org.nz/for-the-community/lawyers-complaints-service)**

The Lawyers Complaints Service has branches in Auckland, Hamilton, Gisborne, New Plymouth, Napier, Whanganui, Palmerston North, Wellington, Nelson, Christchurch, Dunedin and Invercargill.

Write to the Lawyers Complaints Service at:

**Email:** [complaints@lawsociety.org.nz](mailto:complaints@lawsociety.org.nz)

**Postal:** PO Box 5041, Lambton Quay, Wellington 6145

Phone **0800 261 801**

For the national office, phone **04 472 7837**.



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