



The City of London Law Society

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Response

LCS PROPOSAL TO PUBLISH COMPLAINTS

The City of London Law Society (CLLS) represents over 13,000 City lawyers, through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multinational companies and financial institutions to Government departments, often in relation to complex, multi-jurisdictional legal issues.

The CLLS responds to a variety of consultations on issues of importance to its members through its 17 specialist committees. This response to the Legal Complaints Service survey regarding publication of complaints against solicitors has been prepared by the CLLS Professional Rules and Regulation Committee. This committee is made up of solicitors who are, by virtue of the responsibilities they have in their respective firms, particularly focused on such issues.

1. Do you think publication of complaints is a good idea in principle?

The CLLS recognises consumer interest in having access to complaints data. However, the CLLS believes that publication of this information will only be useful if set in a meaningful context - for example recording the number of lawyers in the firm or taking into account the type of work conducted by the firm. It would be important that an adverse adjudication involving one lawyer should not be seen to tarnish the reputation of an entire firm.

Equally the CLLS believes that details of complaints should only be published where an adjudication has been made upholding the complaint (see below).

The CLLS does not believe that publication will help City law firms compete with others.

2. Which complaints should be published?

Provided it is possible to provide a meaningful context for complaints published, the CLLS is firmly of the view that only cases in which a formal adjudication has been made against a solicitor should be published. It would be quite wrong to publish details of all complaints received, since those are mere allegations and a proportion of them will in due course be rejected. If a complaint is in due course upheld the CLLS does not consider that the advantages of it being published at an earlier stage outweigh the unfairness of publishing all complaints, before they have been considered. If all complaints were to be published, an unsatisfied client would be given disproportionate negotiating power. An unscrupulous client could use that power to extract concessions from the solicitor concerned to avoid publication of a complaint, even if it was wholly unjustified.

The CLLS assumes that the policy of publishing complaints, if rolled out, will not apply retrospectively.

3. Conciliated settlements

If the settlement of a complaint includes a payment to the client and is agreed, by negotiation or conciliation, there will often be no admission of liability. The firm may well have been prepared to agree a modest reduction in fees in order to continue the client relationship or to avoid the time involved in resisting a formal proceeding. If the rules were changed so that cases involving such payments were published then the number of conciliated settlements would reduce very substantially indeed. That disadvantage would certainly outweigh any benefit of publishing complaints where a payment was agreed by conciliation.

4. What would be the effect if there were published conciliated settlements where a payment was made?

As said in 3 above, solicitors would be less likely to agree to a conciliated settlement.

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