

Progress towards Devolution

Annual Report of The Lay Observer

2008

SOLICITORS (NORTHERN IRELAND) ORDER 1976

SOLICITORS (AMENDMENT) (NORTHERN IRELAND) ORDER 1989

Presented to the Lord Chief Justice of Northern Ireland, the Department of Finance and Personnel and the Council of the Law Society of Northern Ireland pursuant to Article 42 of the Solicitors (Northern Ireland) Order 1976 and Article 17 of the Solicitors (Amendment) (Northern Ireland) Order 1989.



The Lay Observer for Northern Ireland

Alasdair MacLaughlin was appointed The Lay Observer for Northern Ireland in April 2004. He is also The Independent Assessor for Complaints for the Public Prosecution Service of Northern Ireland since June 2005; he occupies the first such post for the Prosecution Services in these Islands. He is also an independent assessor for the curriculum authority. He has extensive experience in the private, public and voluntary sectors. Following 15 years in industry, he was for 10 years the Director Northern Ireland of the CBI, followed by 10 years as Director General of the Ulster Farmers' Union. He has served on EU Monitoring Committees, advisory groups in Brussels and has been an advisor to the Welsh Assembly Government and the Polish authorities. Until recently he was the Chairman of CfA Ltd, which is the custodial company for National Vocational Qualifications, standards and frameworks in Administration for the UK as a whole. He is a trustee of RELATE and of the Belfast Association for the Blind.

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The Lay Observer's appointment is made according to Article 42(1) of the Solicitors (Northern Ireland) Order 1976. Amendments to The Lay Observer's duties are made in Article 17 of the Solicitors (Amendment) Northern Ireland Order 1989, which came into effect on 3rd October 1989.

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SOLICITORS (NORTHERN IRELAND) ORDER 1976

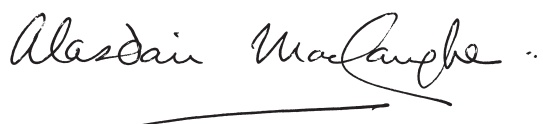
SOLICITORS (AMENDMENT) (NORTHERN IRELAND) ORDER 1989

To: The Right Honourable Sir Brian Kerr QC, The Lord Chief Justice of Northern Ireland

The Department of Finance and Personnel

The Council of the Law Society of Northern Ireland

I have the honour to present the Thirty-First Annual Report of The Lay Observer for Northern Ireland covering the Year to 31st December 2008.



Alasdair MacLaughlin
31st May 2009

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Section 1

Opening Comments

1.1 This is my fifth Annual Report, and the thirty-first in the series. I have been appointed under present arrangements until the end of March 2010, or such earlier date as the proposed new structures have been put in place, after the implementation of the devolution of Justice to the Northern Ireland Assembly.

1.2 My Report deals with the activities and work of The Lay Observer for Northern Ireland during the calendar year 2008. Routine work concentrates on investigating complaints taken against the Law Society of Northern Ireland. Essentially, I operate the third – and independent – tier of the Complaints Handling Process in place to assist the clients of solicitors who have reason to complain against their solicitors. The Complaints Handling Process is governed by the same legislation under which my activities are included, and which is listed on the initial pages of this Report. My role is to deal with those complainants who, having brought their complaints to the Law Society – the second tier – remain dissatisfied after the Society has concluded their complaints.

1.3 The first tier is where the clients complain directly to their solicitors. Since September 2008, there are new regulations which lay down requirements for solicitors to have in place clear Terms & Conditions of Service, including a complaints handling process. It is hoped that these new arrangements, which anticipate the likely new structures after devolution of Justice to the Northern Ireland Assembly, will effectively reduce the number of complaints being directed to the second tier. This is where the Law Society deals with the complaint when the client remains dissatisfied with the outcome of the first tier of the Complaints Handling Process.

1.4 I am pleased to report that the Law Society is giving increasing attention to complaints. This is consistent with the proposed new arrangements, and bodes well for the transfer when it takes place; the timetable for this is a matter for the respective parts of Government in Westminster and Stormont. This attention from the

Law Society is, of course, entirely as it should be, and is consistent with their role as the principal regulator of the solicitors' profession.

1.5 Also of significance in addition to dealing properly with complaints raised by clients of solicitors, is work to reduce the chances of these complaints arising in the first place. This is now a standard focus of the work of those who are involved with complaints handling internationally. The Law Society is to be commended for the fact that it is developing effective and increasingly flexible ways of feeding back experience from the Complaints Handling Process into Continuous Professional Development (CPD). This along with the enhanced profile being given by the Presidential Team in the Law Society, the enhanced approach to Terms & Conditions for solicitors, as well as the excellent ways continuing to be developed to prepare newly qualified solicitors for their professional work will deliver enhanced performance in the profession for the benefit of society in general.

1.6 I continue to enjoy effective contacts with the Presidential Team – led in the year concerned by Mr Donald Eakin and his colleagues. I continue also to meet on a regular – and as required – basis with Mr Norville Connolly, the Chairman of the Client Complaints Committee in the Law Society. He, and his legal and lay colleagues, have a difficult and sensitive part to play in enhancing the service of the profession. It is useful to remain in open contact, so that I may understand more clearly the challenges the Committee faces. He is willing to meet with me at any time if I have issues to raise. These various contacts with the Law Society are particularly helpful, as the importance of complaints being properly dealt with in a more holistic way has never been higher. It will be noted, in particular, that the cost implications for the Law Society, and for the profession as a whole of the incidence of complaints will be so much more direct under the proposed new arrangements.

1.7 During the year I have also had effective and valuable contact with the Chief Executive and Secretary of the Law Society. I am grateful to Mr Alan Hunter for this constructive contact. On a day-to-day basis, I link with Mrs Moira Neeson and her staff. This continues to work in an effective and professional manner. In this, I aim to work co-operatively, and yet in such a way as to maintain an appropriate professional distance between our respective roles. The Law Society, I believe, clearly recognises the need for independence in my role.

1.8 Also in the year concerned I have continued to have helpful and positive contact as appropriate with the Department of Finance and Personnel at all levels. I am particularly grateful to Mrs Anne Flanagan and her staff, Mr Sean Gillen and Ms Wenda Pollock for the way in which they facilitate my work providing necessary resources and administrative support. Very helpful also are the staff in Londonderry House who ensure that mail and messages left by complainants reach me in a timely way. As mine is a part-time role, these ways of assisting me make my role workable on a day-to-day basis, and I am grateful to them all.

1.9 Although I have not met directly with him in recent years, the Lord Chief Justice of Northern Ireland has assured me through his staff of his interest in my work. He of course is one of the formal recipients of my Annual Report.

1.10 I continue to have valuable, helpful and fulfilling relationships with my counterparts in the other jurisdictions of the United Kingdom and Ireland. I also meet with complaints handlers and Ombudsmen in other sectors in regular meetings and workshops. This is facilitated through my membership of the British & Irish Ombudsman Association (BIOA), and as well as in direct contacts, conferences and meetings. These contacts are most important in ensuring that the quality of my work corresponds to advancing levels of good practice. As reported in a previous Report, the BIOA has published standards relating to the principles of

good complaint handling. I confirm that I work to these principles, and to higher standards where possible, and as appropriate and relevant. The standards to which I work are published on my website and in Appendix 1 to this Report.

Section 2

Context for my Work

2.1 Every year, in my Report, I summarise the sources for my authority in this section as The Lay Observer for Northern Ireland, and also the context for my work. This section is in essence standard information each year.

2.2 The theme of my 5th Annual Report is **PROGRESS TOWARDS DEVOLUTION**. This Annual Report is an opportunity to set the principal work of The Lay Observer within a particular context – one at this time where there will be major changes following the planned devolution of Justice to the Northern Ireland Assembly. I have given extensive detail of the way in which I work in previous Reports and the ways in which the current Complaints Handling Processes now operate have not changed significantly since my last Report. Accordingly it is unnecessary to cover all the same ground again, when it can be referenced in my previous Reports.

2.3 During 2008, there continued my work of oversight of Complaints Handling Processes of the Law Society, as well as dealing with complaints against the Law Society. I continue to work in co-operation with the Law Society, where I can, to think ahead to ensure that the transition into the new situation will be as seamless as possible.

2.4 It is in this way that my catalytic role continues. I am pleased to be able to report that:

- the valuable relationships with the Chief Executive/Secretary of the Law Society, the Assistant Secretary who handles complaints and the Office Bearers continue effectively. This creates the basis for strategic discussions when and as required
- the Law Society continues to give increasing profile to the importance of reducing the reasons which give rise to complaints. They have done so using their regular magazine, *The Writ*, but also in speeches, and most effectively in the CPD programmes

- the Law Society has now introduced since 1st September 2008 much clearer guidance for solicitors in implementing new terms and conditions to be applied to relationships with their clients. Amongst other achievements this will ensure that there are clearer requirements for solicitors to deal fully with complaints at the first tier. This should have the effect of reducing those complaints which need to come to the second or third tiers in the process
- The Law Society has modified its material for guiding clients and made the content clearer for lay people. A freshly designed leaflet was introduced on 1st November 2008, along with an improved form and covering letter
- The methodologies of contact between the Law Society and The Lay Observer continue to be improved in order to attain maximum efficiency. In particular, I would point to increasing use of electronic communications in day-to-day contact.

2.5 I emphasise that these developments can be seen largely as continuing improvements rather than dramatic change, and as such are very welcome. I am aware that the Law Society is working with the Government to ensure that the current Complaints Handling Processes will connect with the future new regime. I am pleased to be able to participate where ever possible in preparing for effective transition. But all parties are acutely aware that our current operations must continue within the confines of the current legislation, and so, we cannot under the current law, step outside the existing parameters.

2.6 The Lay Observer operates under the **SOLICITORS (NORTHERN IRELAND) ORDER 1976 and the SOLICITORS (AMENDMENT) (NORTHERN IRELAND) ORDER 1989**. As already stated in previous Reports, the profile of my role is not high. Nevertheless it is appropriate to ensure that potential complainants are aware of the existence of the

office, while at the same time ensuring that it is not appropriate to promote the service.

2.7 In 2008, my leaflet continued to be made available to complainants when requested. Also, the website established at www.layobserverni.com and my email address a.maclaughlin@btinternet.com are of value to current and potential complainants. Many now approach me initially by email, and also refer to having consulted the website before contacting me. However, when a complaint is being advanced against the Law Society, I insist that there is documentation to support it, so that hard copy files may be kept by me for future reference.

Section 3

The Work of The Lay Observer in 2008

3.1 During 2008, I investigated complaints from a total of 45 complainants. This compares with 51 complainants in 2007, and 44 in 2006. It should be noted that those who complained to me in 2008 were in the main referring to events that arose with the Law Society or the solicitor in previous years.

3.2 It must be pointed out also that when the Law Society receives a complaint, in most cases that complaint can be analysed under several different categories. For example, a complainant may bring a complaint that is fundamentally about *conveyancing*, but within which there are issues of *delay* and *fees*. This means in this particular case that the complaint brought will actually be categorised under three different headings.

3.3 In 2008, the Law Society received rather more categorised complaints, namely 317 as compared with 295 in 2007, and 282 in 2006. There were 301 categorised complaints received in 2005. **However, the number of complainants reduced to 133 in 2008, compared with 206 complainants in 2007.** In 2006, the number of complainants was 202 with 165 in 2005. This is a most important set of figures, as it shows firstly that the number of complainants to the Law Society has fallen considerably in 2008, from around the 200 level to 133. But secondly, it suggests that each complainant's concerns are considerably more complex in recent months. This may well represent a notable reduction in the number of less than satisfied clients - surely a welcome sign.

3.4 I have the privilege also of being permitted to audit a random sample of those complaints which reached the second tier - at the Law Society - but which do not reach The Lay Observer at the third tier. This is a valuable exercise, because it enables me to see what happens in complaints, which the complainants do not see the need to progress to tier three, alongside those, in my usual work that I see at the third tier. These complaints include those which are *upheld*, are *re-*

directed or which are considered in some alternative way, and those which are *not upheld*. I audited 60 complaints in 2008, 80 in 2007, and 90 in 2006.

3.5 Again, this year I have to report that the complexity of cases appear to me to be increasing. I have two means of assessing this; the first is set out in paragraph 3.3 above, and has to do with the increasing average number of categories within each complainant's case. The second is that I have devised a simple format which identifies those cases which I take the view are **highly complex, complex, and others**. Complexity equates in this approach to the length of time it takes me to conclude each complaint. In the latter analysis, I make no distinction as to whether this arose from complexity of issues, or simply of detail, or indeed from both. Once again, I have carried out this analysis of the cases I have concluded, and this shows:

- There were 45 complaints in 2008; in 2007 there were 51 complaints
- There were 13 very complex cases requiring two to three days in each case to complete in 2008; in 2007, there were 9
- There were 6 complex cases requiring more than one and up to two days in each case to complete in 2008; in 2007, there were 7
- This means that the number of complex and very complex cases in 2008 was 19, compared with 16 in 2007
- There were 26 other cases each of which took up to a day to complete in 2008; in 2007 there were 35.

3.6 I therefore report a continuing real increase in the complexity of complaints reaching me in recent years; this of course has resource implications for me as well as for the Law Society. Although for me within the current arrangements there is an escalation clause related to the **number** of complaints I handle each year, the formula does not reflect or take account of the additional **complexity** of the complaints that reach me.

3.7 Also, I have to report again an increase in the number of complainants who want to challenge the limits of my authority and the conclusions that I have reached, although my formal conclusion of a complaint is actually the end of the matter, unless there are actionable issues. In most cases this wish to challenge arises because of the limitations of the legislation, which no longer appears to match public expectations. It is proving more and more difficult to convince complainants of these limitations under the legislation; this is perhaps an illustration of how timely the Bain Review was and the proposed changes need therefore to be implemented as soon as possible.

3.8 Mine is a part-time appointment, and I have continued by choice to operate without assistance from support staff. All administrative and secretarial tasks are carried out directly by me, as well as investigations, reporting and auditing work. I believe therefore that I operate a low cost, efficient and effective service on behalf of the public and the Government within the legislation, procedures and protocols.

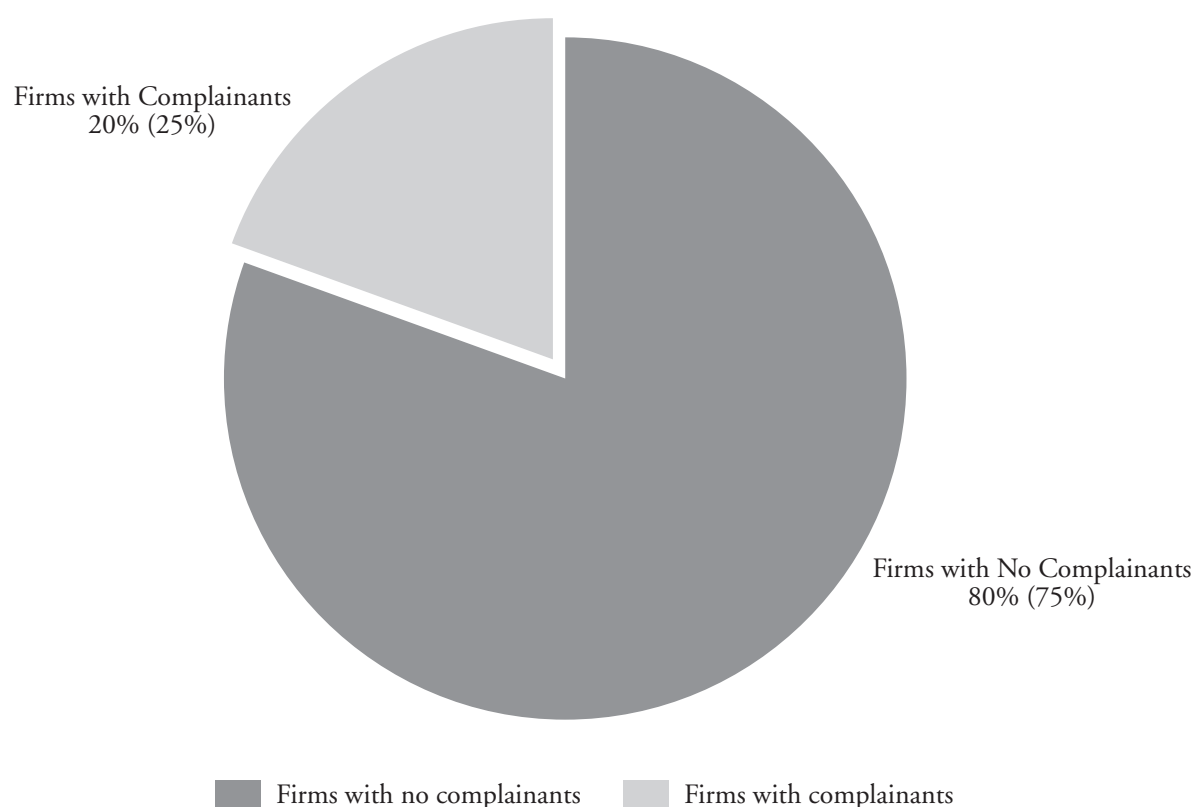
Section 4

Final Outcomes of Complaints made to the Law Society

Note: The complaints referred to in Section 4 are those which achieved a final outcome in the year 2008.

Chart A

% Number of Firms with Complainants and % Number of Firms with No Complainants in 2008



The total number of firms “on the register” at the Law Society is 541. Of these 438 (80%) have attracted no complainants. 106 solicitors firms have attracted complainants; this is 20%. These proportions have changed from 2007 levels of 25% of solicitors firms attracting complainants and 75% attracting no complainants.

Chart B

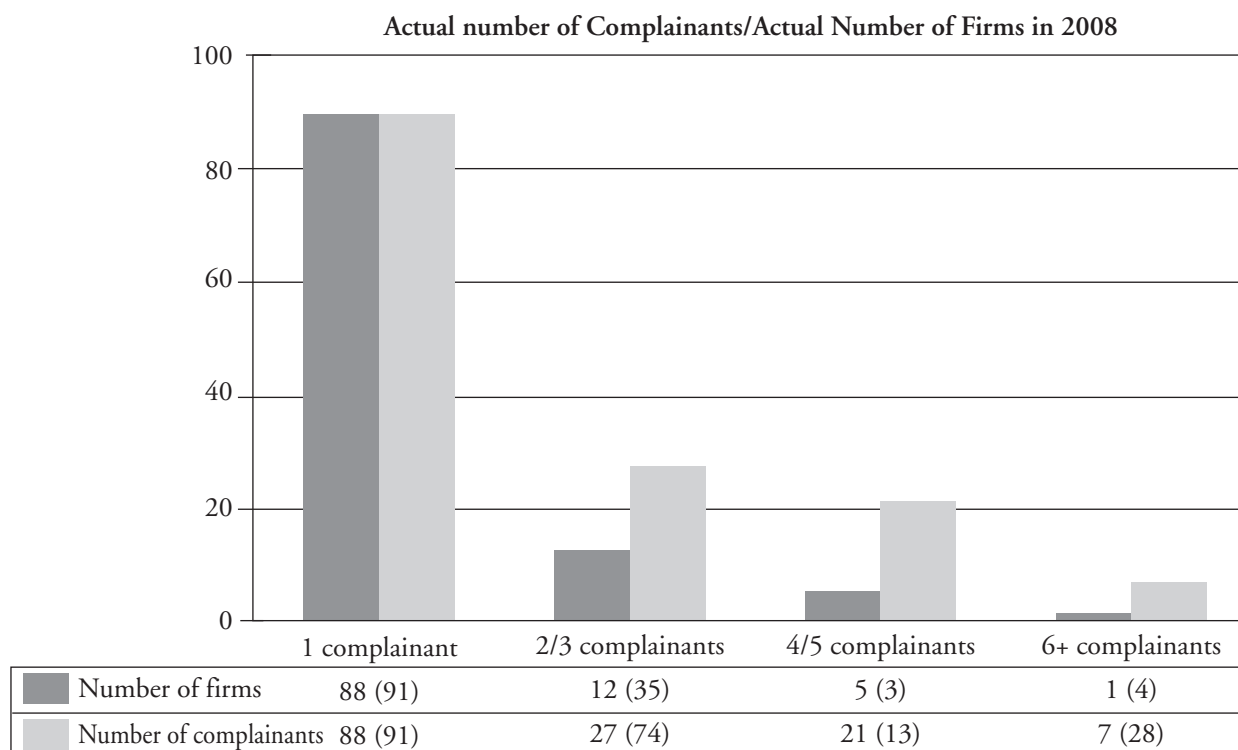
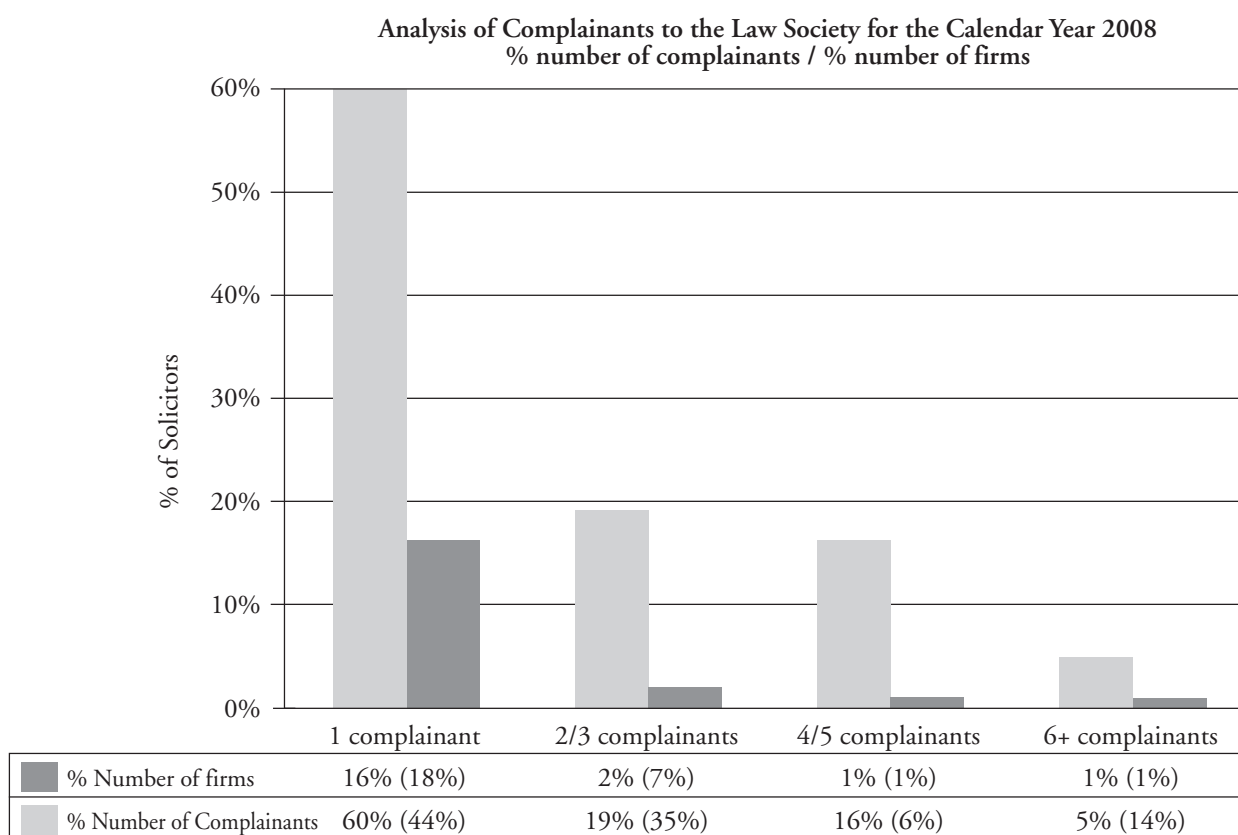


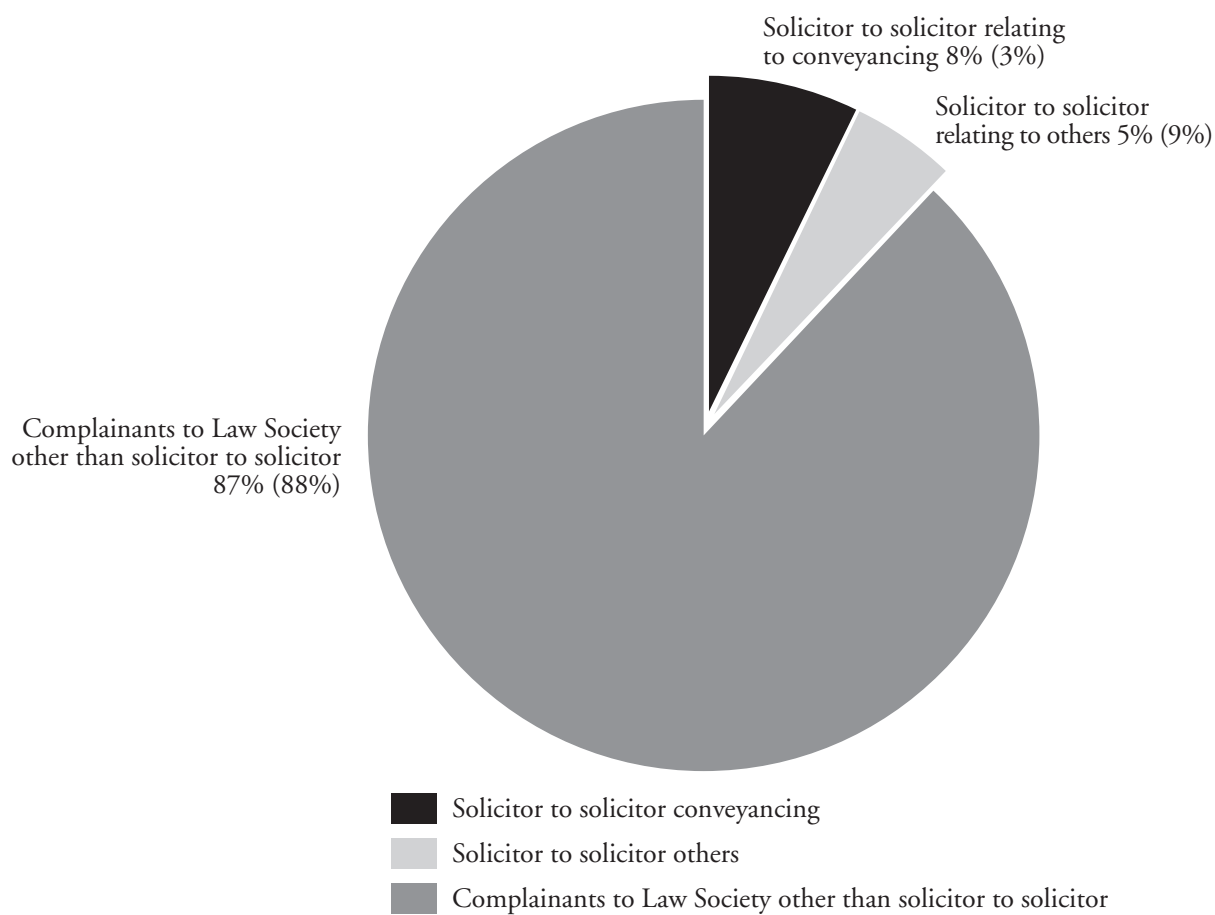
Chart B presents the actual numbers (and not the comparative percentages which are shown in Chart C). The equivalent figures for 2007 are shown in brackets.

Chart C



Figures for 2007 are shown in brackets.

Chart D

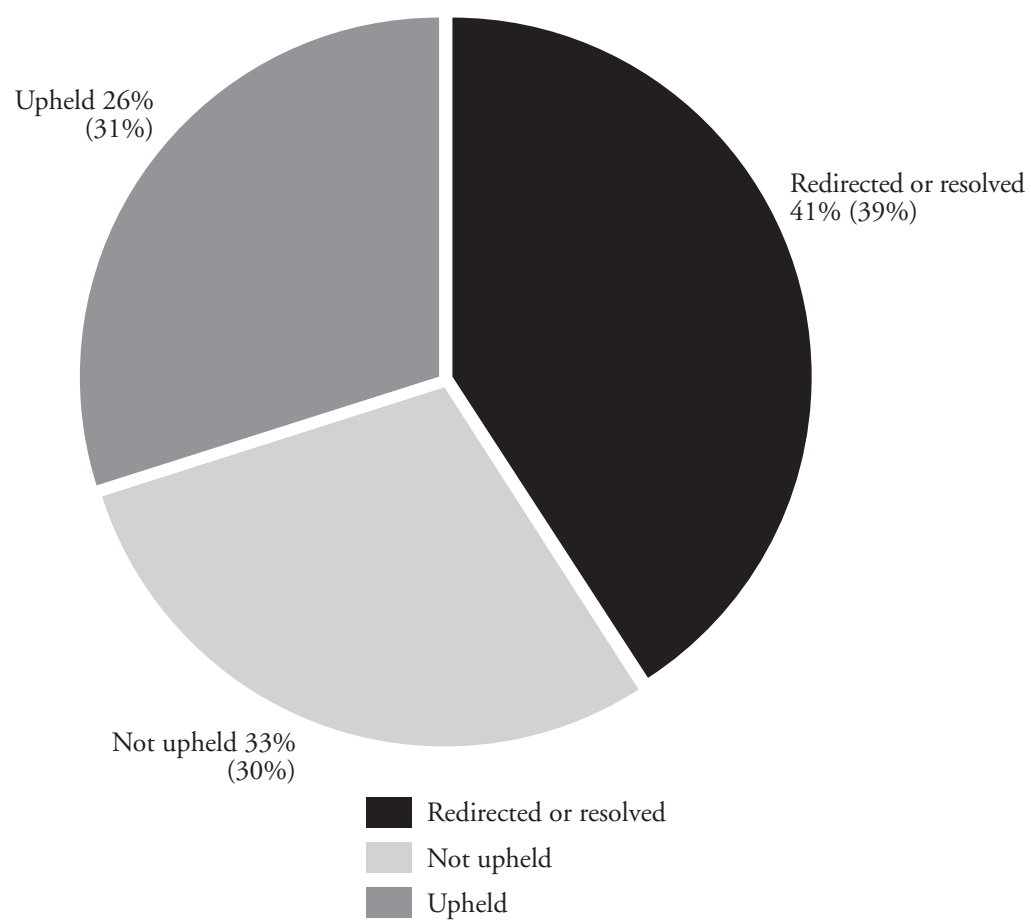
Complainants Solicitor to Solicitor as % of total complainants to the Law Society in 2008

Solicitor to solicitor complainants amounted to 18 (23) out of a total number of complainants of 133 (206). 11 (5) out of the 18 (23) or 8% (21%) were conveyancing complaints.

Figures for 2007 are shown in brackets.

Chart E

Summary of final outcome on complaints registered and completed in 2008



Figures relating to 2007 are shown in brackets.

Section 5

Comment on Final Outcome Statistics

5.1 The number of solicitor firms 'on the register' for the period concerned is 541. It is noteworthy that the proportion of total solicitor firms against whom complaints were taken in 2008 has fallen substantially from 25% in 2007 to 20% in 2008 (see chart A). This means that 80% of solicitor firms attracted no complaints in 2008. The number of complainants taking complaints has also fallen from 206 in 2007 to 133 in 2008. As every complainant represents a cost against society as well as against the Law Society and the profession, these improvements are very noteworthy.

5.2 Chart B shows the relationship between the number of complainants forwarding complaints and the number of solicitor firms involved. The number of multiple complainants to individual firms (ie two or more complainants to one individual firm of solicitors) in 2008 was 18 compared to 42 in 2007, and 41 in 2006. In 2005, the corresponding number was 34.

5.3 Closer inspection indicates that:

- In 2008 1 firm had more than 6 sets of complaints
5 firms had 4/5 sets of complaints
12 firms had 2/3 sets of complaints
88 firms had only one complaint
- In 2007 4 firms had more than 6 sets of complaints
3 firms had either 4/5 sets of complaints
35 firms had either 2/3 sets of complaints
91 firms had only one complaints
- In 2007 6 firms had more than 4 sets of complaints
In 2006 7 firms had more than 4 sets of complaints
In 2005 10 firms had more than 4 sets of complaints

The picture overall therefore indicates a substantial fall in both the number of complainants as well as the number of firms each attracting higher numbers of complainants. The usual caution is given that solicitor firms do specialise, and some types of clients and work do attract a greater number of complaints and complainants. Accordingly, firms

should not be judged solely on the number of complaints they receive.

5.4 Chart C is about proportions and simply restates and serves to confirm Chart B

5.5 Chart D is about complaints 'solicitor to solicitor'. Of course such complaints arise from time to time where a solicitor feels a complaint (usually on behalf of a client) must be made against another solicitor. However, the Complaints Handling Process in my opinion should not be used to put management pressure from one solicitor to another in order to achieve a result; it ought to be used fundamentally to be of **direct** assistance to solicitors' clients. Solicitor to solicitor complaints shows a total fall in 2008 from 23 in 2007 to 18 in 2008. This is a useful and most welcome downward trend.

5.6 Complaints 'solicitor to solicitor' relating to conveyancing in 2008, shows a rise to 11 from 5 in 2007. But in total, the figures are really no longer significant in the category 'solicitor to solicitor'.

5.7 Chart E shows the proportion of final outcomes for complainants who registered complaints and had them concluded in 2008. The proportion of complaints **upheld** has decreased to 26% in 2008, compared with 31% in 2007 and 28% in 2006. A proportion in the total of this nature, as I said in my Report for 2006, is very encouraging, in the sense that it indicates the Complaints Handling Processes are by no means a waste of time, as some people seem to think they might be. It shows that a significant proportion of complaints to the Law Society have very real substance and yet can escape the many definitional filters that are currently applied by the Society. They therefore have very great significance. Or course, one complaint which is found to be justified is one too many in an important profession. Nevertheless, it is vital for the public to recognise that where a complaint is justified, the Law Society does indeed find against a solicitor. That 26%

of complainants were justified in 2008, ought to provide a very real incentive for improving service and professional behaviour, and must, and should, be encouraging for the Client Complaints Committee of the Law Society, and the staff concerned.

5.8 It is however, an entirely different matter, which again I have explored in previous reports that many complainants feel that the solicitors who are found to have transgressed are often 'let off', in their perception, far too lightly. This will likely change under new legislation. But of equal importance is the feeling amongst many complainants that not only do offending solicitors get off far too lightly, the wrong for the complainant simply is not put right directly. This is an accurate perception in many complaints since there is no direct redress, for example by compensation, for the complainant through the current Complaints Handling System. In effect the complainant is acting as the eyes and ears for the regulating body, and this value to the profession should be cherished more by the Law Society. Once again this situation will likely change under new legislation, not least as firms having complaints upheld against them will have to bear the

costs of Complaints Handling Processes, along with the Law Society and so indirectly by the solicitors' profession as a whole.

5.9 In 2008, the proportion of complaints **not upheld** was 33% compared with 30% in 2007. Also, 41% of complaints were **redirected or resolved** in 2007 as against 39% in 2007 and 40% in 2006. It will be of value to analyse the figure, for **redirected or resolved** in future years. In 2008 around one quarter of cases in this category were resolved. About half were redirected for legal advice, and the remainder were dealt with in some other way (e.g. no action needed, to disciplinary tribunal). These are also significant figures and the Law Society should take a degree of satisfaction that as few as one third of complainants have their complaints **not upheld**; it is an indication that the Complaints Handling Processes have a very real purpose and justification.

5.10 The time the Law Society takes to conduct complaints referrals are significant. In 2008, there have been highly significant improvements. During the years 2007 and 2008, the figures were as follows:

Times	2008		2007	
	Proportion	Cumulative	Prop	Cum
Within 3 months	49%	49%	44%	44%
Over 3 & less than 6 mos	36%	85%	31%	75%
Over 6 mos & less than 9 mos	11%	96%	8%	83%
Over 9 mos & less than 12 mos	4%	100%	3%	86%
In 12 months	0%	100%	0%	86%
ongoing	0%	100%	14%	100%
To Disciplinary Tribunal		1%		1.5%

5.11 But these figures mask in part a continually changing situation. There are two notable observations. **First**, the proportion of cases concluded within 3 months of receipt into the Complaints Handling Process rose to almost half of the complaints received (ie 49%) in 2008 compared with 44% in 2007, and 34% in 2006. This is a most commendable result.

5.12 **Second**, there has been a significant fall to effectively zero in the number of complaints hanging over into 2009. Again great credit is due to the Client Complaint Committee of the Law Society and its staff for achieving this excellent outcome.

5.13 It is quite evident that the timetabling of the conclusion of complaints has maintained improvements in efficiency in the ways that were reported in my previous Annual Reports. In 2007, 75% of the complaints received were concluded within six months; this figure had risen to 85% in 2008. **This is an astonishingly good result.** It indicates great progress, with which the Client Complaint Committee should be justifiably pleased.

5.14 Once again, I would like to emphasise that it is important in all of this to keep a sense of proportion. It is absolutely of the essence to ensure that complaints are properly concluded. In my opinion, and I have referred earlier in my Report to the evidence for it, complaints are continuing to become more complex in nature and process. I believe that quality of investigation should take preference over trying to meet possibly unrealistic timetabled targets. However, I do believe that it is right to expect the Law Society to keep the complainant informed of progress against a definitive timetable; my experience from case handling as well as audits indicates that this does not always happen as it should.

Section 6 Complaints Statistical Tables

Table 1 COMPLAINTS EXAMINED BY THE LAW SOCIETY FOR THE 12 MONTHS ENDING SEPTEMBER 2008

Nature of Complaints	Circumstances of Complaints											Total
	Criminal Proceedings	Matrimonial Proceedings	Admin. of Estates	Conveyancing	Property Disputes	Contract Disputes	Personal Injury	Criminal Injury	Employment	Professional Negligence	Other	
1. Undue delay	3	14	20	51	1	19	4	5	4	0	11	132
2. Withholding or loss of documents	2	6	5	16	1	3	3	1	0	0	3	40
3. Presentation of bills and accounts, lack of information, fees charged	0	4	6	12	1	2	2	1	2	0	2	32
4. Disclosing confidential information	1	1	0	2	0	0	0	0	0	0	1	5
5. Dissatisfaction with advice given	2	9	0	7	2	3	3	0	1	0	4	31
6. Acting contrary to clients instructions	1	5	0	9	0	3	7	1	1	0	4	31
7. Ethics or behaviour	4	7	1	11	4	4	0	2	0	0	7	40
8. Solicitors action caused loss	0	0	0	0	0	0	0	0	0	0	0	0
9. Legal aid	0	3	0	0	1	0	1	0	0	0	1	6
10. Other factors	0	0	0	0	0	0	0	0	0	0	0	0
11. All factors (total 1-10)	13	49	32	108	10	34	20	10	8	0	33	317

Table 2 FIVE YEAR SUMMARY OF 'GUIDE TO CIRCUMSTANCES' 2003/2004 - 2007/2008 - ACTUAL NUMBER OF COMPLAINTS

YEARS	Circumstances of Complaints										Total
	Criminal Proceedings	Matrimonial Proceedings	Admin.of Estates	Conveyancing	Property Disputes	Contract Disputes	Personal Injury	Criminal Injury	Employment	Professional Negligence	Other
2003/04 - Year 1	4	52	32	148	7	7	49	13	4	0	23
2004/05 - Year 2	5	45	18	140	1	10	59	8	4	0	11
2005/06 - Year 3	7	47	18	109	1	17	57	10	0	4	12
2006/07 - Year 4	18	62	27	98	4	14	31	8	3	0	30
2007/08 - Year 5	13	49	32	108	10	34	20	10	8	6	33

Table 3 MEAN STATISTICS i.e. MOVING ANNUAL AVERAGE OF ACTUAL NUMBER OF COMPLAINTS

YEARS	Circumstances of Complaints										Total
	Criminal Proceedings	Matrimonial Proceedings	Admin.of Estates	Conveyancing	Property Disputes	Contract Disputes	Personal Injury	Criminal Injury	Employment	Professional Negligence	Other
2003/04 - Year 1	8	38	21	124	5	17	54	10	2	0	30
2004/05 - Year 2	8	39	21	131	4	15	53	10	3	1	25
2005/06 - Year 3	8	40	21	123	3	11	53	10	2	1	21
2006/07 - Year 4	9	47	23	120	4	12	49	9	2	1	22
2007/08 - Year 5	9	51	25	121	5	17	43	10	4	1	22

Table 5 FIVE YEAR SUMMARY OF 'NATURE OF COMPLAINTS' (1-10) 2003/2004 TO 2007/20087 - ACTUAL NUMBER

YEARS	Nature of Complaints										Total
	Undue Delay	W/H or loss of Documents	Bills and Accounts	Disclosing Information	Dissatisfac. with advice	Acting Contrary	Ethics or Behaviour	Solicitor's Action	Legal Aid	Other Factors	
2003/04 - Year 1	150	29	13	1	10	36	91	0	9	0	339
2004/05 - Year 2	128	28	21	2	8	9	93	1	11	0	301
2005/06 - Year 3	143	33	13	2	12	10	60	1	8	0	282
2006/07 - Year 4	137	41	24	2	19	20	46	0	6	0	295
2007/08 - Year 5	132	40	32	5	31	31	40	0	6	0	317

Table 6 MEAN STATISTICS - i.e. MOVING ANNUAL AVERAGE OF ACTUAL NUMBER OF COMPLAINTS

YEARS	Nature of Complaints										Total
	Undue Delay	W/H or loss of Documents	Bills and Accounts	Disclosing Information	Dissatisfac. with advice	Acting Contrary	Ethics or Behaviour	Solicitor's Action	Legal Aid	Other Factors	
2003/04 - Year 1	141	33	13	2	18	15	79	1	10	0	311
2004/05 - Year 2	144	30	12	2	15	14	82	1	8	0	308
2005/06 - Year 3	141	29	13	1	12	13	79	1	9	0	296
2006/07 - Year 4	137	31	15	2	13	16	74	1	9	0	298
2007/08 - Year 5	138	34	21	3	16	21	66	0	8	0	306

Section 7

Comments on Complaints Statistics

7.1 This section provides an update for 2008 to the statistical run that has been in place for several years. The comments in this section attempt to facilitate those who wish to make comparisons, observe trends and who wish to achieve greater understanding of the relativities in the figures.

7.2 The source material derives from Law Society statistics relating to the twelve months ending 30th September 2008. Raw figures are presented as well as percentages, and also averages and five year summaries; these are contained in Section 6. These figures help to indicate where there are trends, and hopefully cast more light on anecdotal evidence.

7.3 Although not relevant to these statistics, which relate to the twelve months ending 30th September 2008, the Law Society have introduced several new categories into the source figures of this analysis. However, as these new categories were introduced from 1st November 2008, there will be no change in this analysis until the Report in 2009.

7.4 It will be noted that complaints are categorised by **circumstances of complaint** and by **nature of complaint**. This enables considerable detail and cross referencing to be examined and in particular how the constituent elements describing the sources and natures of complaints can be used by the Law Society to inform its policies. These figures guide me in making strategic comments made formally and informally to the Law Society.

GUIDE TO CIRCUMSTANCES

General Comment

7.5 Overall, the total number of complaints dealt with by the Law Society in the period concerned was 317, compared with 295 in 2007, 282 in 2006 and 301 in 2005.

7.6 Across all **circumstances**, there is a general stability in the figures. However, the figures for *Administration of Estates, Conveyancing, Property and Contractual Disputes*, and *All Other Circumstances* have all shown an increase in 2008. On the other hand, there have been falls during the year in the figures for *Matrimonial Proceedings, Criminal Proceedings* and *Personal Injury Disputes*.

7.7 It should be noted that the comments in this Section on **guide to circumstances** are presented in order of classification, and not in any other order of significance. This ensures that the analysis is to the same pattern year on year.

Criminal Proceedings

7.8 The actual number of complaints under this heading has fallen to 13 in 2008 from 18 in 2007 and 7 in 2006. The heading constitutes 4% of the total, down from 6% in 2007.

Matrimonial Proceedings

7.9 These cases represent 15% of the total in 2008 (21% in 2007 and 17% in 2006). These are often distressing cases particularly where children and the breakdown of families and/or marriages occur. The Courts are continuing to seek ways of working which will ensure the proceedings become less confrontational, and also in trying where possible to avoid the adversarial setting of the formal Court. In this endeavour, the authorities appear sometimes to be hampered by the perhaps understandable reluctance to mediate by the parties involved.

Administration of Estates

7.10 The figures of this particular circumstance have risen to 32 complaints (from 27 in 2007 and 18 in 2006).

Conveyancing

7.11 These figures disappointingly show a rise in 2008 to 108 from a 2007 figure of 98, compared with 109 in 2006. It is encouraging, particularly that 'solicitor to solicitor' complaints in this category have fallen at a much faster rate. *Conveyancing* remains the largest single circumstance of complaint, and I have reported on the attention being given to reduce the incidence in this category of complaints. However, in the total, the proportion of complaints relating to *Conveyancing* continued to fall to 32% in 2008 as against 33% in 2007 and from 39% in 2006.

Property Disputes

7.12 Complaints in this category rose from 4 in 2007 to 10 in 2008. This circumstance however, is insignificant in the total.

Contract Disputes

7.13 The number of cases in this category rose to 34 in 2008 from 14 in 2007.

Personal Injury

7.14 The figure for 2008 was 20, down from 31 in 2007.

Criminal Injury

7.15 The figure in 2008 was 10 complaints in 2008, up from 8 each in 2007, 2006 and 2005.

Employment

7.16 *Employment* cases have fallen to 8 in 2008 from 30 in 2007.

Professional Negligence

7.17 There were no cases in 2008 and 2007 compared with 4 in 2006.

Other

7.18 There were 33 *Other* types of circumstances in 2008 as against 30 in 2007, and 12 in 2006.

NATURE OF COMPLAINTS

7.19 In this part of Section 7, comments on the **nature of complaints** are presented in sequence of classification and not in any other order of significance. These categories are important as they relate to competencies of the solicitor profession.

Undue Delay

7.20 *Undue Delay* remains the largest single **nature of complaint** and as such is a matter of concern to everyone. It is here that a considerable cost accrues for the public and clients. In 2008, there were 132 complaints representing a further minor fall from those recorded for 2007 at 137, and 143 in 2006.

Principal **circumstances** relating to *Undue Delay* were:

Heading	2008	2007	2006
Conveyancing	51	50	68
Matrimonial Proceedings	14	27	21
Administration of Estates	20	17	9
Other	11	14	3

Withholding or Loss of Documents

7.21 The number under this heading in 2008 was 40, compared with 41 in 2007 and 33 in 2006.

Bills and Accounts

7.22 The number here rose to 32 in 2008 from 24 in 2007.

Disclosing Confidential Information

7.23 The number of complaints in 2008 was 5 compared to 2 in both 2007 and 2006.

Dissatisfaction with Advice given

7.24 There were 31 cases in 2008, up from 19 cases in 2007 and 12 in 2006.

Acting contrary to Client Instructions

7.25 The number of cases in 2008 was 31, up from having doubled in 2007 to 20, from 10 in 2006. This could indicate a worrying trend.

Ethics or Behaviour

7.26 This heading provides a significant number of complaints in **nature of complaints**. As such these need careful scrutiny. However, the figure for 2008 was 40, down from 2007, at 46 which in turn was down from the 60 cases recorded in 2006. In 2005, there were 93 cases, and in 2004, there were 91. Hopefully therefore, the trend is strongly downwards.

Solicitors Actions Caused loss

7.27 There were no cases classified under this heading in 2008, 2007 and 2006.

Legal Aid

7.28 The number of complaints under this heading in 2008 was 6 as it was in 2007 down from 8 in 2006. *Legal Aid* is complex for lay persons to understand and with the additional degree of control of legal aid by the

authorities in such cases it is surprising that there are not more complaints in recent years.

OVERALL PICTURE

Nature of Complaints

7.29 The actual number of complaints by **nature of complaints** is noted in the following analysis:

Nature of Complaint	2008	vari- ance	2007	2006	2005
Undue Delay	132	-5	137	143	128
Withholding/Lost Documents	40	-1	41	33	28
Presentation Bill/Accounts	32	8	24	13	21
Disclosing Information	5	3	2	2	2
Dissatisfaction with advice	31	12	19	12	8
Acting Contrary	31	11	20	10	9
Ethics or Behaviour	40	-6	46	60	93
Solicitor Action caused loss	0	0	0	1	1
Legal Aid	6	0	6	8	11
Others	0	0	0	0	0
Totals	317		295	282	301

7.30 The picture that results from the trends, which can be seen in Table 6, and in relation to proportions and relative change in the various headings in **nature of complaints** indicates a generally steady position compared with 2007.

Section 8

Recommendations

8.1 In 2008, there has been very significant change and development in relation to the ways in which the Law Society require solicitors' firms to do business. New regulations were introduced from 1st September 2008 in these matters, and details can be found in Appendix 2 to this Report. Amongst these changes there was a focus on Terms & Conditions of Service that solicitors are required to operate for new business with their clients. Part of this is a requirement that each solicitor firm must have in place a formal complaints handling process for their clients, which must be made accessible to them.

8.2 Accordingly, complaints, from 1st September 2008, must be properly concluded at the first tier of investigation ie between the client and the solicitor – in the past this has not been enforced. All else being equal, the incidence of taking complaints through tiers two and three should therefore be reduced, as should be the accelerating damage such processes can do certainly when not handled well, and sometimes even where the process has been impeccable. In reality, complaints nearly always contain an emotional element which takes great skill to dissipate. Realistically, there will always be difficulties which generate complaints, and from time to time, there will always be a wish by some complainants to escalate them through the second and to the third tier. However, a new regime promises better, clearer, and more balanced outcomes for the consumer and the profession alike.

8.3 This is why I have chosen as my theme for this Annual Report – **Progress towards Devolution**. In this section of the Report, I review my Recommendations in my Annual Report for 2007 which used as its theme **Future Connections**. I offered five Recommendations, to which the Law Society responded in an encouraging and timely fashion on 30th November 2008. The Recommendations made, and the comments back from the Law Society are contained in full in Appendix 2. I found the responses by the Law Society to be generally positive, although they do always seek to infer a distance

from my activities that I believe is sometimes of greater magnitude than necessary.

8.4 I am happy to highlight that my Report contains evidence of an extraordinary year of progress against these Recommendations, as well as others in previous Annual Reports. It is for these reasons that I have decided not to put forward any specific Recommendations in this Report. I believe that it is right to point out that in the recent past my Recommendations have been more developmental than specific. Accordingly, I would simply encourage the Law Society to continue to revisit these recommendations and to evaluate whether or not there continues to be progress against them.

8.5 In last year's Report I made particular comment about the use of simple english. Even though the Law Society argued that this was difficult to achieve, my audit activities have convinced me that not only have they tried to improve this area of their operations, but that they have also succeeded in most cases for the considerable benefit of complainants.

8.6 In addition, there have been major efforts made when responding to complainants to explain clearly and, where appropriate to point to other ways of dealing with their difficulties that lie outside the formal Complaints Handling Processes. Once again, I can see considerable progress from my audits in this context. Great credit therefore is due to the Client Complaints Committee and Department in the Law Society for what has been achieved. If this can be extended to the ways in which solicitors in future communicate with their clients where complaints are raised, I believe that the effective path towards the satisfactory **resolution** of complaints (as opposed simply to concluding them) will become shorter, more realistic and less costly to the profession.

8.7 By the same token, the tone that is adopted is also highly significant, and should be at least empathetic to

the distress being experienced by the complainant – even if in fact there may be little or no cold, logical, justification for such distress. I have written before about the advisability of expressing regret that complainants are in the position they are in; this is a far cry from suggesting that such a situation is the fault of the person or entity expressing the regret. It is clear however that such expressions help dispel some of the negative emotions involved. Once again, I have seen evidence that this kind of tone is being adopted in response to some complainants.

8.8 For all these reasons, I feel it is right simply to encourage the Law Society to continue to consolidate what they are achieving. This will pay dividends, if continued, for dissatisfied clients, solicitors themselves, the Law Society and society in general.

Section 9

Concluding Comment

9.1 The background to this Report is one where the Law Society has embarked on and is also facing programmes of radical change in the regulation of legal services. I have referred to the elements of these programmes and already it is clear that dividends are being accrued in connecting with the likely new regime soon to emerge. The Law Society, and in particular the Client Complaints Committee, warrant commendation for what they have achieved.

9.2 In concluding my Annual Report for 2008, I would wish to make the following comments. **First**, it is important that I should emphasise that improvements in the Complaints Handling Processes at the Law Society, and where relevant, in conjunction with other stakeholders, result from their work, and not that of The Lay Observer. As mine is essentially a catalytic role, **commendation due is entirely theirs.**

9.3 **Secondly**, the work of The Lay Observer is governed by a set of principles to achieve best results. It is important that the key to these are transparency and accessibility. These principles are published on my website www.layobserverni.com, and they are further expounded in the document entitled **The Principles of Good Complaints Handling**, which is published by the British and Irish Ombudsman Association.

9.4 **Thirdly**, it is vital to recognise that, although devolution of Justice to the Northern Ireland Assembly is to be implemented soon, the actual timetable of events has yet to emerge. The Law Society and The Lay Observer are required to operate the current regime with continuing commitment until devolution is in place, and the necessary structures are ready to commence. It is important therefore to seek to create a situation where the handover to any new regime can be as smoothly achieved as possible. I am committed to providing whatever help and assistance I can in this process to the Government and to the Law Society.

9.5 **Fourthly**, during 2008, I have met **at their invitation** the Department of Finance and Personnel, and the offices bearers of the Council of the Law Society. It is vital to me at least, for purposes of public accountability, that I am, and am seen to be, personally accountable to those to whom I report formally on a regular basis.

9.6 **Finally**, a copy of this Report is being sent to every Member of the Legislative Assembly of Northern Ireland and to the principal solicitor of every solicitors' practice in the Province. I continue to presume to invite a member of each practice to review the Report to ascertain if there are implications for the practice concerned.



Alasdair MacLaughlin
31st May 2009

Appendix 1

Performance Indicators & Outcomes

The Lay Observer currently operates to the following standards:

- New complaints are acknowledged within five working days of receipt
- Letters enquiring about a current complaint are answered within five working days of receipt
- Investigations are concluded normally within eight weeks of acknowledgement
- Where an extension is required, the complainant is informed prior to the expiration of the original eight week estimate, with full reasons
- No serious complaint against The Lay Observer to be substantiated
- Annual Report to be published according to programme; publication date is 31st May each year
- Every solicitor practice, MLA, Northern Ireland MP, any other MP with an interest in Northern Ireland and appropriate members of the Upper House to have received a copy of Annual Report by end June each year
- Service to be provided within budget

While objective standards are vital, subjective indicators should also be observed.

The Lay Observer:

- Seeks to provide a courteous, prompt and efficient service
- Communicates in simple english and does not use jargon
- Empathises with the complainant, while offering a strictly neutral investigation
- Sets out the facts as he sees them
- Provides reasons for arriving at a decision
- Provides any appropriate suggestions, which explicitly must not be interpreted as legal advice

Alasdair MacLaughlin
1st January 2007

Note: Amendment September 2007

The Lay Observer also seeks to meet those criteria that are consistent with the legislation and with the protocols which are contained in the British and Irish Ombudsman Association booklet entitled *Principles of Good Complaints Handling*, published 2007.

Appendix 2

RESPONSE OF THE LAW SOCIETY OF NORTHERN IRELAND TO THE REPORT OF THE LAY OBSERVER ENTITLED

Future Connections → → → 2007

INTRODUCTION

The Lay Observer's Report and recommendations and the Society's response are now part of a continuum to try and improve the existing procedures for complaints handling with a view to having a solid framework upon which to build the new procedures which will be required on the full implementation of the recommendations of Sir George Bain.

The Society has had a busy year and has given a high priority specifically in relation to client care matters. It has taken a year to complete the drafting of the Solicitors (Client Communication) Practice Regulations 2008 to ensure that they are workable and reflect the intentions of the Council. They came into effect on 1st September 2008. The regulations provide for the provision of client care letters at the commencement of instructions which give information about how fees will be calculated, what work is being undertaken, who will do it and who to contact if there are concerns. They also provide that all firms must have a written complaints procedure to deal with client complaints.

In order to assist firms in adapting to the new Regulations the Sub-Committee in charge of the Solicitors (Client Communication) Practice Regulations 2008 drafted sample terms and conditions clauses for firms to use and amend as they think appropriate for their particular needs. As part of the usual process of introducing new regulations to the profession, seminars were organised across Northern Ireland. Four took place in June in Cookstown, Londonderry, Newry and Belfast at which 700 solicitors in total attended. A final round up seminar was

organised in Belfast in September at which a further 130 solicitors attended. Our records show that only a very small number of solicitors' firms were not able to send a member of staff to the seminars. The profession was very supportive of the Society's work. The regulations themselves have been broadly welcomed, as being a useful business tool, which firms anticipate will defuse many of the issues that give rise to disagreement and complaint. The Society hopes that with solicitors taking initial direct responsibility for their clients' complaints, the complaints experience at the Society will diminish.

As a consequence of the introduction of the Solicitors (Client Communication) Practice Regulations 2008 the Society's information leaflet to complainants has been redrafted to take account of the changes and the opportunity has been used to provide more clarification in respect of what the Society can investigate and how the procedures are operated. In addition, new explanatory letters, a new complaints form and a note on procedures have also been drafted which it is hoped will enhance the complainant's ability to make a clear and concise complaint from the outset, once they have pursued the solicitors' in-house complaints investigation process. New letters and an explanatory leaflet will be sent to the firms when a complaint is commenced by the Society which should enable them to more effectively draft a response and thus curtail investigation time.

More detailed categorisation of the nature of complaints and guide to circumstances has been drawn up to facilitate a better analysis of the source of complaints and the issues, which cause clients concern. This will provide information to the Society for the furtherance of its CPD programmes, following the policy of learning from complaints. This information will be available to the Lay Observer, which he can publish in whichever format he feels appropriate, to highlight to the public where the main issues are and what the outcomes have been in relation to those issues.

All of this work has been undertaken alongside maintaining momentum in assessing and reaching resolution of complaints received by the Client Complaints Department.

On the CPD front the Client Complaints Committee sponsored conveyancing seminars dealing with complaints related matters at four venues earlier this year which were attended by over 450 solicitors and plans are in place for similar seminars in Estate and Matrimonial work for early next year. More details are provided in the specific responses to the recommendations.

A very recent development is that the Client Complaints Department has embarked on the process of acquiring ISO 9001 accreditation. This will be a rigorous process but ultimately should lead to a better service to members of the public/complainants at all levels of contact with the Society.

The Society's plans for implementing the proposals outlined in Sir George Bain's report are much advanced and we await the publication of the draft Order. At that time we anticipate further engagement with the Lay Observer on the future of complaints handling.

Recommendation 1

"My first Recommendation for the current year relates therefore to the ongoing and developing contacts and mechanisms for communicating with the Law Society. To the three levels of contact contained in Recommendation 1 in 2006 I would add a fourth and this has to do with regular six monthly contact with the Chief Executive of the Society and the Coordinator of the CPD programme. I have been much impressed by the way in which feedback from the complaints handling process is operated within the CPD programme it would be encouraging to be able to report continuing progress particularly in relation to the new terms and conditions and service which will soon be adopted for solicitors and their clients".

Response

The Society has historically had a policy of feeding back to the profession issues, which have been identified through its complaints handling and other regulatory procedures. It is those established processes which continue to be used to highlight particular problems and issues arising in the course of the Society fulfilling its statutory regulatory requirements including dealing with clients complaints.

Sponsorship for complaints-related CPD programmes rests with the Client Complaints Committee and responsibility for ensuring progress has been specifically in the hands of the Chairman of the Committee and the Assistant Secretary to the Committee. They have identified specific topics, speakers and venues. The Society is happy to provide the Lay Observer with any necessary information in relation to those complaints-driven seminars on request and at formal meetings throughout the year. In addition the CPD programme is published in August and December and also appears in the Writ. If the Lay Observer wishes it, he can be provided with a copy of that programme at the same time as it is issued to the profession.

It has perhaps not been clear that the Society's primary responsibility is to ensure compliance with the compulsory CPD Regulations. The Society's general CPD programme is an additional but voluntary responsibility and is competing with an increasing number of external commercial providers and special interest groups. It is therefore demand led, except when the Society identifies areas relating to complaints or regulations that need to be supported by directly organised CPD courses sponsored by individual Committees.

The existing agreed contacts between the Lay Observer and the Law Society have been and will continue to be maintained for the benefit of both parties.

Recommendation 2

“My second Recommendation relates to the continuing drive by the Society to highlight and profile what is being done in handling complaints. The Society has taken steps to ensure solicitors know how important it is to avoid the escalation of complaints in the system by proper handling of cases in the first instance. The work the Society is doing in this regard is impressive indeed, and it should continue and be enthusiastically received and understood in the profession”

Response

This year the Client Complaints Committee, its Chairman and Assistant Secretary took positive steps to raise awareness about complaints related matters. In March seminars were run in relation to conveyancing practice and procedures entitled “Nailing Conveyancing Problems”. The seminars were chaired by the Chairman of the Client Complaints Committee and the Assistant Secretary spoke with others at those seminars at four venues; Enniskillen, Londonderry, Newry and Belfast. As earlier reported to the Lay Observer these seminars were enthusiastically attended. The two main speakers were highly regarded conveyancers who provided much useful information and guidance to the profession. In total over 450 solicitors attended the events. The seminars came at a timely period for the profession with the introduction of energy performance certificates which came into effect from 1st July 2008 and which are another factor which solicitors will have to take into account when acting for buyers and sellers of property since that date.

In June 2008 roadshows sponsored by the Council were held at four venues to publicise and explain the Solicitors (Client Communication) Practice Regulations 2008 followed up by a catch-up seminar in September 2008. The Sub-Committee, which drafted those regulations, also drafted sample terms and conditions clauses. As an endorsement of the

importance of these regulations to the profession, the main speakers were members of the Sub-Committee itself:- Mr Simon Murray in Cookstown and Londonderry, Mr Norville Connolly in Newry and Mr Gavin Patterson at the Belfast venues. The meetings were chaired by senior members of Council with the Senior Vice-President, Mr. Cooper chairing in Cookstown and Londonderry, former President, Mr. McShane at Newry and the President, Mr. Eakin in Belfast. Mr. Robinson, a member of the Sub-Committee, chaired the final seminar in Belfast. Other speakers included a representative from the Law Society of Scotland who explained the impact the introduction of client care regulations had in Scotland and the advantages of having the regulations in place to firms and to clients alike. The final speaker was from a well-known firm of management and business consultants who dealt with the business advantages of having letters of engagement and client care procedures in place. He provided a sample in-house complaints procedure, which accompanied the handout documents.

These seminars were well attended and very well received. At the first Belfast seminar there were almost 400 attendees and in total over 830 people attended the five venues. The quality of the speakers together with the handouts, including the sample terms and condition clauses, demonstrated the support which the Society was prepared to give the profession to ensure that they adapted these procedures and properly integrated them into their practice.

By way of further emphasis of their importance the regulations are published in the members section of the website with the sample letters for solicitors to access. A FAQs section will be introduced so that members can obtain further information.

Plans are in hand to organise two major CPD events sponsored by the Client Complaints Committee and organised by the Chair and Assistant Secretary for probate work and matrimonial work. These will take

place early in the New Year. In addition plans are afoot to deal with Immigration work.

Recommendation 3

"My third Recommendation relates to timetabling, the handling of complaints in the complaints handling processes. I am aware of, and have reported on the fact that the performance was above expectations in the early part of 2007, whilst in the latter part of the year performance was below what the Society expected. This was because of resource difficulties to which I have already referred. Nevertheless I am also aware that the Law Society have introduced a better methodology for case review. I simply suggested in the year ahead efforts are made to return back on track and that improvements continue to accrue".

Response

The Society regrets inconvenience caused to complainants during 2007 as a result of resource problems. Strenuous efforts were made to try and reduce delays and the consequent backlog. Steps are in hand to recruit a caseworker that will be working across the Regulatory Departments. It is hoped that an additional investigator will facilitate a faster turnaround in complaints and a better service overall to the profession and the public. In the longer term, ISO 9001 accreditation should go a long way to minimising the problems, which arose in the past due to resource limitations.

Recommendation 4

"My fourth recommendation has been dealt with above in paragraphs 8.3 and 8.4. I do indeed believe that there is scope for the use for more simple English and that in some cases a more empathetic tone would be most helpful; it is simply good practice in dealing with complaints to do so. This is reason enough for me. It is however, the case that some complainants have stated to me that they find the tone and use of professional language in letters from the

Law Society to be unhelpful. Once again I shall be looking for a continuing improvement during my investigations and my audits".

Response

The Society is mindful of the Lay Observer's continuing concern in relation to this matter and would repeat its response to Recommendation 4 of the Annual Report of 2006 entitled **"Action: Moving On"**. Members of the public contact the Society both informally through general written enquiries by email and post, by telephone and in writing in furtherance of formal complaints about their solicitors. Staff dealing with these enquiries seek to be empathetic and sympathetic without compromising on the analysis of the complexity of the issues.

Clarity and tone of any document is a subjective judgement; – accurate but professional language describing a technical legal point or position can be described as being over technical and obtuse. There are times when explanations can be simplified but there are also times when departing from recognised legal or technical language will cause problems as often complainants further their concerns with the assistance of experienced professionals who understand professional language but are not sure of the simplified meaning. This is not an exact science. The Society seeks to strike the right balance and will continue to do so, bearing the Lay Observer's comments in mind.

Recommendation 5

"My fifth and final Recommendation has to do with working towards the future. I therefore recommend that the Law Society and I continue to work together to provide wherever possible the smoothest transition to your future new regime that is possible to achieve".

Response

The Society is wholly in support of this recommendation. When there are further developments in relation to the proposals and recommendations of Sir George Bain, the Society will welcome the opportunity to discuss these at an early date with the Lay Observer both informally and in formal engagement.

26th November 2009

Donald, Eakin, President of the Law Society of Northern Ireland

