

Research Report 5 August 1979



Published by the Department of the Attorney General & of Justice NSW Bureau of Crime Statistics & Research

A Study of Complaints against Lawyers

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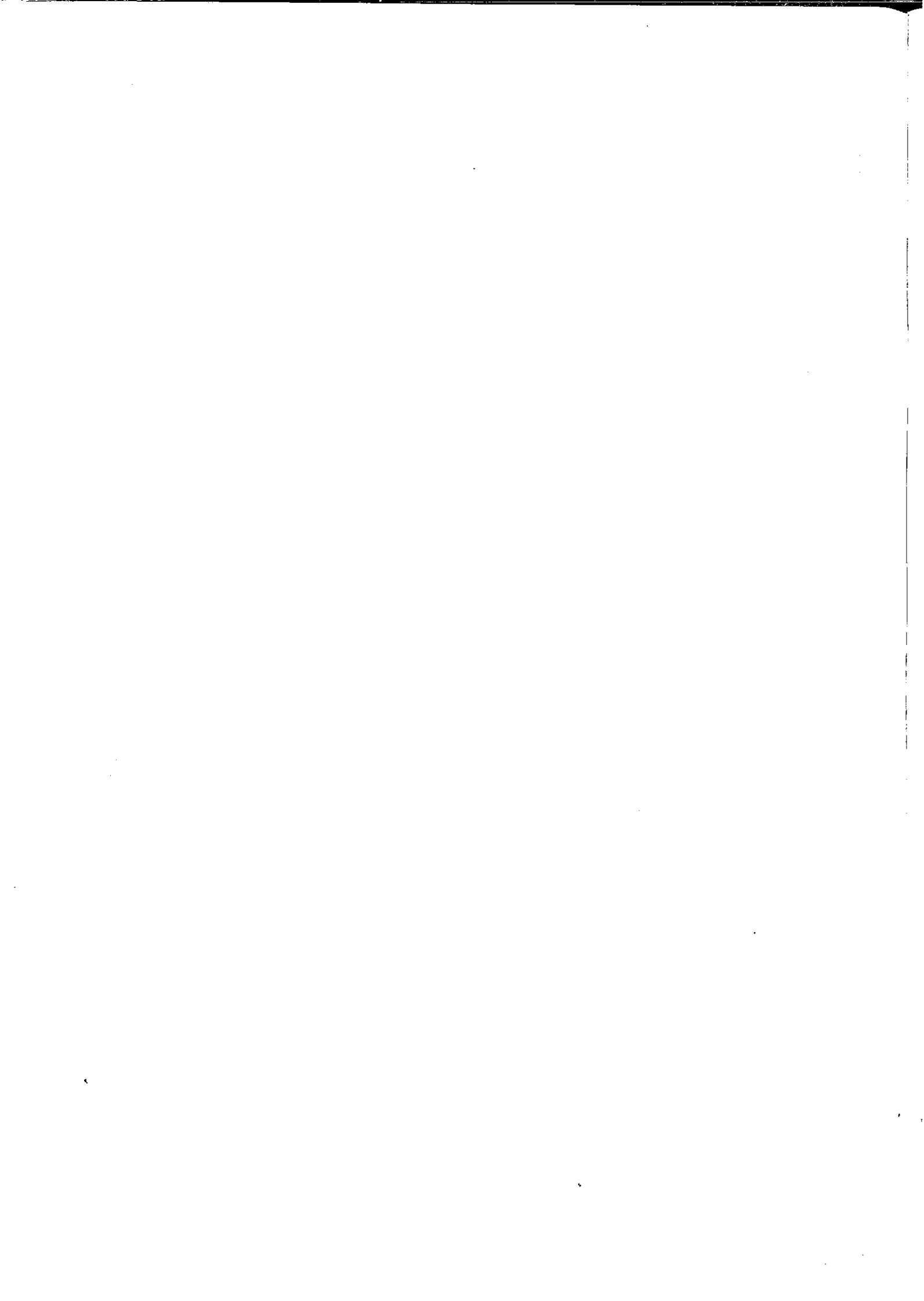
PREFACE

This report contains an analysis of material in the Law Society's files on complaints against lawyers. The material was supplied by the Society to the New South Wales Law Reform Commission in relation to its reference on the legal profession.

Although usually responsible for the whole of a research project, including data collection, the Bureau of Crime Statistics and Research is pleased to have had the opportunity to assist the Law Reform Commission in this important enquiry. Adam Sutton, the Bureau research statistician, carried out the analysis and wrote the report. He worked in close association with Julian Disney, the law reform commissioner responsible for this aspect of the enquiry. We are grateful for his advice for the financial and clerical support of the Law Reform Commission and to the Law Society for the provision of data, including the design of the "statistical profiles".

Bureau staff contributing to the report included Ros Wood who advised on computing and editorial matters and Judy Somomon, Margaret Buckland, Jenny Cocks and Rick Bertinshaw.

A.J. SUTTON
Director.



AN ANALYSIS OF COMPLAINTS
FILES OF THE LAW SOCIETY OF NEW SOUTH WALES

PART 1. GENERAL SUMMARY

INTRODUCTION

The Law Reform Commission of New South Wales has a reference from the Attorney General, The Honourable F. J. Walker, LL.M., M.P., to enquire into and review the law and practice relating to the legal profession. The Commission is required to consider, amongst other things -

"the making, investigation and adjudication of complaints concerning the professional competence or conduct of legal practitioners and the effectiveness of the investigation and adjudication of such complaints by professional organisations".

This report analyses two sets of data supplied by the Law Society of New South Wales to the Commission. The data relates to the Society's complaints files and was supplied at the request of the Commission. Computer analysis and writing-up of this data has been carried out by the New South Wales Bureau of Crime Statistics and Research, which was approached by the Commission after the information had been obtained. The Bureau's role has been to present a brief report summarising the figures and to provide more detailed cross tabulations, as specified by the Commission. Part I of the present document contains the general summary, while Part 2 contains the cross-tabulations. As with all research projects, the approach taken in collecting the data has had considerable effect on the shape of the final report. Before presenting the results of analysis, it is useful to give a brief summary of how the data was collected and how the analysis will be approached.

1. Collection of the Data

Extraction from the files.

The Complaints files of the Law Society of New South Wales, which form the basis of this report, are an important ongoing source of data concerning allegations against, and discipline imposed upon, solicitors in New South Wales. The Law Society accepts responsibility for setting standards of conduct for solicitors in this State and for ensuring compliance with them.

When initially approached the Society expressed reservations about allowing the Commission direct access to its complaints material, on the ground that this would involve breaches of confidentiality. However, the Law Society, amongst other things, proposed to make available anonymised 'statistical profiles' of samples of complaints, which could then be analysed by the Commission. Each profile would contain a general description of the type of work complained about, the type of solicitor complained about, the nature of the complaint made against the practitioner, and the action taken by the Law Society. However, it would contain no information which could lead to the identification of specific complainants or solicitors.

This solution was accepted by the Commission, and it collaborated with the Society in devising the samples to be analysed and in drafting a 'statistical profile form' (see Appendix 1). The Commission also consulted with Law Society officers who prepared the relevant profiles. It was on receipt of these profiles that the Commission enlisted the Bureau's assistance in carrying out a computer analysis. The codes and cross-tabulations were settled in consultation with the Commission, after pilot tests had been conducted.

The samples chosen

The Law Society maintains two major sets of records relating to complaints: a "mini-file" and a "'D' file" system. Generally speaking, 'mini files' comprise 'ordinary' complaints received by the Society; 'D' files relate to matters which are perceived by the Society as being of a 'more serious' nature. Between them, the mini-files and the 'D' files encompass the vast majority of files relating to complaints or allegations received by the Society, and there is no overlap between the two sets of data. Once a matter is perceived as being 'more serious' the relevant complaint usually is removed from the mini-file system and a corresponding 'D' file initiated.

This report is based on two samples. The first sample consists of a profile of every second file (whether a mini-file or a 'D' file) opened during the years 1974-1976 inclusive. This sample gives an overview of the types of matters generally handled by the Society and the actions taken.

The second sample consists of the 150 'D' files most recently opened by the Society. These 'D' files cover a period of approximately 5 years, ending on 31/12/76. In requesting this sample, the Commission hoped to obtain greater insight into matters which the Law Society regards as 'more serious', and into the types of discipline imposed in these instances.

2. The Law Society's Machinery for Investigating Complaints and Disciplining Lawyers

Introduction

Within the Law Society there is a hierarchy of three separate bodies whose task it is to deal with alleged misconduct by solicitors. These are: the Legal Department; the Complaints Committee; and the Council. In addition, the Law Society refers matters to the Solicitors' Statutory Committee, an independent body with the power to discipline solicitors. The structure and powers of these four bodies are as follows.

The Legal Department

This comprises three qualified solicitors¹ employed on a full-time basis by the Society. It deals with the initial stages of complaints received from external sources.² Such complaints may be in the form of a letter, a statutory declaration, or a personal visit.

The Legal Department has the discretion to pursue a number of courses including:

- . closing the file on this complaint without contacting the solicitor concerned (or without pressing him for a reply when he has been contacted);
- . closing the file after advising the complainant of his rights and/or steering him to an independent solicitor;
- . advising the complainant to lodge a statutory declaration (this often happens when complaints have been made by telephone or by personal visit);
- . referring the matter to a more senior body within the Law Society (usually the Complaints Committee).

The Complaints Committee

This body is made up of members selected from the Society's Council³ and meets fortnightly. It comprises seven practising solicitors: two city, two suburban and three from the country. Its task is to consider matters referred by the Legal Department (and by other committees of the Law

Society), and in proper cases to forward them, along with recommendations, to the Council.

The Complaints Committee usually does not interview any of the parties involved in a complaint, but it can take into account relevant correspondence (including correspondence which the Committee itself has ordered to be entered into with a solicitor), statutory declarations, searches of title and of company balance sheets, financial statements, staff reports and memoranda, and transcripts of evidence presented during court proceedings. The Committee may also consider the reports of Trust Account Inspectors, Investigators and Receivers appointed by the Society.⁴ It can make a variety of recommendations for Council action including a finding of no professional misconduct, appointment of an investigator or a receiver, cancellation or refusal to renew a practising certificate, referral of a matter to the Statutory Committee (see below for details of the Statutory Committee), or censure. If civil proceedings have been initiated by a complainant, the Complaints Committee may defer its recommendation pending the outcome of these proceedings.

The Council

This is the only body within the Law Society which can impose direct sanctions on legal practitioners. It consists of 20 practising solicitors who are elected by the 5,000 (approx.)⁵ members of the Society. Council meetings are scheduled fortnightly, but special meetings also can be convened by the President or, in his absence, by another senior office-bearer of the Law Society. Such special meetings generally occur when an urgent matter needs to be considered. The Council currently is comprised of thirteen City of Sydney, two suburban and five country legal practitioners.⁶

As explained earlier, the Council's task in relation to complaints generally consists of considering materials and recommendations placed before it by the Complaints Committee. However, the Legal Department may also put urgent matters before the Council. Actions by the Council may include censuring the Solicitor concerned or returning a finding of 'no professional misconduct'. It can also appoint an investigator⁷ to make further enquiries into the relevant allegations, seek an order from the Supreme Court appointing a receiver of a solicitor's property⁸ and/or cancel or refuse to renew a solicitor's practising certificate.⁹ The Council has the power to defer a decision pending further consideration by the Complaints Committee, or it may refer a matter to the Solicitors' Statutory Committee (see below) for that body to make a decision on whether professional misconduct has occurred.

The Statutory Committee

The members of this body are appointed by the Chief Justice. In practice, the appointments are made on the nomination of the Law Society. Each of the Statutory Committee's seven members must have been a practising solicitor of no less than seven years' standing. Hearings before the Statutory Committee are formal. Before they take place, the Council supplies the Committee with a reference listing the questions to be considered. A copy of this reference, together with notice of the date of the hearing, must then be served upon the solicitor whose conduct is under question. Counsel is usually appointed to assist the Committee at each hearing. The defendant solicitor is entitled to be legally represented.

The Statutory Committee's initial task is to decide whether a legal practitioner has been guilty of professional misconduct. If this finding is returned the Committee may then impose a variety of sanctions, including a reprimand, a fine, suspension from practice or the non-renewal of a practising certificate. The Statutory Committee also may order that a solicitor's name be struck off the role of practitioners. Appeals from findings of the Statutory Committee may be made to the Court of Appeal.

However the data analysed below contains no information on possible appeals and their outcomes.

It is possible for any complaint received by the Society to result in a Statutory Committee hearing. However, first it must have 'filtered through' the Law Society's internal disciplinary bodies. The data which follows will show that a very low proportion of complaints received in fact result in Statutory Committee hearings.

THE DATA

1. The General Sample

Nature of the Sample

During the years 1974, 1975 and 1976, the Legal Department of the Law Society opened 2592 complaints files, including mini-files and 'D' files. Of these, 50 percent (or 1296) cases were included in the sample analysed by the Bureau. We term these files the 'general sample'.

Table 1 shows the year of receipt of complaints in the sample. Between 1974 and 1975 there was a sharp increase (over 50 percent) in the number received; the increase from 1975 to 1976 was not as large, but was still significant.

TABLE 1 - YEAR IN WHICH COMPLAINT RECEIVED

<u>Year</u>	<u>Number</u>	<u>Percentage</u>
1974	308	23.8
1975	466	35.9
1976	522	40.3
	<hr/>	<hr/>
	1296	100.0
	<hr/>	<hr/>

Type of Matter Giving Rise to Complaint

Table 2 shows the type of matter out of which the complaints in the general sample arose. The following explanations should assist an understanding of the entries in the table and of the subsequent discussion.

- (i) "Family law" includes divorce and all ancillary matters such as the custody of children, maintenance, property settlements after divorce, and adoption.
- (ii) "Other litigation" encompasses all court litigation other than those areas of litigation specifically mentioned in the table.
- (iii) "Other" includes matters such as proceedings before administrative tribunals, non-litigious disputes with local councils, etc.
- (iv) "Not relevant" means the complaint did not arise out of a specific piece of work being done by the solicitor (e.g. the complaint is that the solicitor practised without a certificate).

TABLE 2 - TYPE OF MATTER GIVING RISE TO COMPLAINT - GENERAL SAMPLE

<u>Type of matter</u>	<u>Number</u>	<u>Percentage</u>
Family Law	154	11.9
Conveyancing	278	21.4
Probate and administration	216	16.7
Motor vehicle accident	45	3.5
Workers' compensation and other industrial accidents	33	2.5
Criminal	17	1.3
Non-litigious commercial	120	9.3
Investment of client's money	50	3.9
Other litigation	148	11.4
Other	26	2.0
Not relevant	10	0.8
Not stated on profile	199	15.3
TOTAL	1296	100.00

Of the work which solicitors perform, conveyancing gave rise to the greatest number of complaints. It accounted for more than 1 in 5 (21.4 percent) of the Law Society's complaints files.

Another field of activity well represented in the Society's complaints files was probate, which accounted for 16.7 percent of complaints received, while other types of work which resulted in a high proportion of complaints were family law (11.9 percent) and 'other litigation' (11.4 percent). Accurate statistics on the pattern of activities of solicitors in New South Wales are not available,¹⁰ therefore it is difficult to state whether the proportion of complaints for work done in these (or other) areas is unusually high. It should also be noted that for almost 15 percent of the complaints received the type of matter being performed was not specified on the profiles supplied to the Commission.

Reasons for Complaint's Dissatisfaction

Table 3 below sets out the reasons for dissatisfaction given by complainants when they approached the Law Society. Note that when some complaints were lodged, more than one type of dissatisfaction was expressed. Accordingly, there were 1296 complaints but 1324 'reasons for dissatisfaction'. The description of complaints in Table 3 have been abbreviated for the purposes of tabulation, and the following more detailed explanation may be of assistance.

- (i) "No details of charges": the practitioner gave no details of the charges (whether costs or disbursements) made to the client.
- (ii) "Seeking costs in advance": the practitioner unreasonably sought profit costs in advance.

- (iii) "Exercise of lien": the practitioner exercised his lien to retain papers as security for the payment of his charges.
- (iv) "Positive failure to return documents": the practitioner rejected, or failed to respond to, a request to return documents, but did not purport to be exercising a lien.
- (v) "Withholding money": the practitioner refused, or failed, to pay money due to the client, but there was no allegation of irregularity or deficiency in the trust fund.

TABLE 3 - REASONS FOR DISSATISFACTION-GENERAL SAMPLE

	<u>Total</u>	<u>Subtotal</u>	<u>Percentage of total reasons expressed</u>
<u>Excessive charges</u>	81		6.1
<u>Other complaint concerning charges</u>	86		6.5
No details of charges		18	
Seeking costs in advance		8	
Other matters re charges		60	
<u>Conflict of Interest</u>	24		1.8
<u>Trust funds</u>	29		2.2
Acting without instructions or contrary to instructions concerning trust funds		6	
Deficiencies in trust funds		23	
<u>Acting contrary to instructions (other than trust funds)</u>	66		5.0
<u>Withholding documents or money</u>	88		6.6
Exercise of lien		14	
Positive failure to return documents		63	
Withholding money		11	
<u>Delay</u>	378		28.6
<u>Poor communication</u>	110		8.3
Failure to keep client informed		53	
Failure to answer correspondence or telephone		57	
<u>Negligence</u>	173		13.1
<u>Other</u>	148		11.2
Unfriendly behaviour		18	
Disclosure of confidential material		2	
Other including general dissatisfaction with lawyer		128	
<u>Not stated on profile</u>	141		10.6
	<u>1324</u>		<u>100.0</u>
	=====		=====

Table 3 shows that during the years 1974-1976 the Law Society was approached by persons who expressed a wide variety of grievances concerning lawyers. However, two types of complaints which were prominent in the files were allegations of unnecessary delays or poor communication on the part of lawyers. More than a third on all complaints were of this nature. 'Fees charged' and 'negligence' also accounted for a high proportion of complaints, namely 12.6 and 13.1 percent of the total respectively. Of the complaints which related to fees, almost a half consisted of an allegation that the fee was too high, in the light of services obtained. Allegations concerning trust fund irregularities constituted a relatively low proportion of the total complaints received. Less than three percent of complaints were in this area. However, as the analysis of 'D' files (see below), will show the Law Society attaches considerable significance to allegations of this nature.

A final point to be noted in the context of Table 3 is the high proportion of cases in the 'other' or 'not known' categories. In 11.2 percent of cases a complaint received was classified into the 'other' category (that is, none of the pre-coded responses for classifying complaints could be used) and there was a further 10.6 percent of complaints whose nature was not specified on the statistical profiles provided by the Law Society.

Further insight into complainants' 'reasons for dissatisfaction' is obtained when this variable is cross-tabulated with the type of work giving rise to the complaint. Table G9 (in Part 2) does this. It suggests that there may be communication problems between solicitors and clients with respect to probate and administration, conveyancing, non-litigious commercial and family law work, and that such areas as conveyancing and non-litigious commercial matters seem to generate a higher proportion of complaints concerning negligence than do other types of work.

Type of Complainant

Clients and former clients were the major source of complaints about solicitors received by the Law Society. As table 4 below shows, almost seventy percent of complainants were drawn from one of these two categories. Of the remainder, a high proportion were beneficiaries of wills, opposing parties, other solicitors, or members of the public who have had dealings with a solicitor (but not as his client).

The following explanations may be of assistance in understanding the table.

- (i) "Witness" means a witness in a case in which the lawyer was acting for one of the parties.
- (ii) "Beneficiary" means a beneficiary of an estate being handled by the lawyer.
- (iii) "Other party" relates to complaints about one party's lawyer made by the other party (or the other party's lawyer) in the transaction or case from which the complaint arises.
- (iv) "Another solicitor" means a solicitor other than the lawyer complained of or the lawyer acting for the other party.
- (v) "Another barrister" means a barrister other than the lawyer complained of or the lawyer acting for the other party.
- (iv) "Member of Parliament" means a Member of Parliament complaining on behalf of someone else.

TABLE 4 - TYPE OF COMPLAINANT - GENERAL SAMPLE

<u>Type of complainant</u>	<u>Number</u>	<u>Percentage</u>
Client (or relative etc, complaining on behalf of client)	807	62.3
Former client	98	7.6
Witness	10	0.8
Beneficiary	75	5.8
Other party (or his lawyer)	94	7.2
Another solicitor	54	4.2
Another barrister	-	-
Member of Parliament	3	0.2
Other member of public who had dealings with solicitor (but not as his client)	42	3.2
Other	48	3.7
Not stated in profile	65	5.0
TOTAL	1296	100.0

Size of Practice

One Factor of relevance to any discussion of the discipline of lawyers is the size of the practices concerned. Table 5 examines the complaints data from this point of view. It also includes comparative data on the distribution of solicitors in the various sizes of practice in N.S.W. during 1975 and 1977.

TABLE 5 - SIZE OF PRACTICE INVOLVED IN COMPLAINTS AGAINST LAWYERS - GENERAL SAMPLE

<u>Size of Practice</u>	<u>Number</u>	<u>Per-centage</u>	<u>Total 1975*</u>	<u>NSW 1977**</u>
Sole practitioner	615	47.4	28.9	28.1
Small partnership (2 or 3 partners)	451	34.8	39.4	37.4
Medium partnership (4 to 9 partners)	151	11.7	21.8	23.2
Large partnership (more than 9 partners)	10	0.8	9.9	11.3
Not stated on profile	69	5.3	-	-
	1296	100.0	100.0	100.0

*See Campbell, I. Survey of Legal Profession in N.S.W. Unpublished research paper for Law Foundation of N.S.W. (Table 34)

** Projections by I. Beed and I. Campbell Supply and Demand Factors Associated with the Legal Profession in New South Wales University of Sydney (Sample Survey Centre and Law Foundation of New South Wales) 1977, p.165.

Table 5 shows that just under 50 percent of all complaints related to sole practitioners. Thus sole practitioners were over-represented in the Society's complaints files; less than a third of solicitors in New South Wales are actually in this category. On the other hand, complaints involving small partnerships were in similar proportion to the general distribution of solicitors throughout the State, and medium and large firms appeared to be under-represented. These findings are consistent with previous studies relating to the discipline of legal practitioners,¹¹ and will be discussed in more detail later in this report. However, in interpreting Table 5 it should be remembered that for 5.3 percent of the complaints sample the size of the firm was 'not known' whereas there is no 'not known' category for the comparative data.

Location of Practice

Table 6 below shows the geographical location of the practices of solicitors against whom complaints were made. It also contains comparative data on the general distribution of solicitors throughout New South Wales during 1978.

TABLE 6 - LOCATION OF PRACTICES AGAINST WHICH COMPLAINTS WERE MADE -
GENERAL SAMPLE

<u>Location</u>	<u>Number</u>	<u>Percentage</u>	<u>Total NSW*</u>
Sydney City	559	43.1	50.9
Sydney Suburban	377	29.1	25.4
Country	285	22.0	23.7
Not stated on profile	75	5.8	-
TOTAL	1296	100.0	100.0

=====

* Figures derived from material provided by the Law Society in September 1978 on the office addresses of solicitors holding current practising certificates.

The statistical profiles prepared by the Law Society offered more detail on location of solicitors than is contained in Table 6. 'Suburban' was broken down into north, south, east and west and 'country' into north, south and west. These sub-categories were not tabulated, however, because the Law Society does not appear to have followed rigorous guidelines in assigning practices to them, and different officers may have varied in their interpretations of what 'suburban west', 'suburban east', etc. mean.

It is possible that this lack of precision may have affected even the broader categories in Table 6, and over 5 percent of the profiles contained no indication of a firm's location. However, Table 6 does seem to indicate that city solicitors are under-represented in the Society's complaints files.

Other Complaints

Every statistical profile prepared by the Society recorded the number of other complaints which had been received concerning the relevant practice since 1st October, 1968.

By dividing the total "other complaints received" by the number of principals in each practice, we were able to rate practices according to their tendency to attract complaints. The figures obtained were:

- sole practitioners: average of 7.1 other complaints per principal;
- small firms (2 or 3 principals): average of 3.0 other complaints per principal;
- medium to large firms (4 or more principals): average of 1.3 other complaints per principal.

This highlights the contrast between the smaller and larger practices. The contrast is even more striking when one considers that, generally speaking, larger firms have more staff solicitors per principal¹² and therefore might have been expected to give rise to more complaints per principal.

Action Taken on Complaints Received

Legal Department

Before discussing the action taken in relation to complaints, a note of caution should be sounded. Some matters, especially those arising out of complaints received toward the end of 1976, may not have been finalised by the end of 1977 when the present data was extracted. Unfortunately the statistical profiles were not detailed enough for these 'still current' matters always to be distinguished from instances where the file had been closed. Thus, a few complaints which in fact still were under consideration may have been included in the 'not referred on' categories for the Legal Department or the Complaints Committee, or in the 'no action taken' category for the Council. The Legal Department must decide¹³ whether to refer any complaint to the Complaints Committee or Council. Table 7 shows the decisions for the general sample.

TABLE 7 - ACTION TAKEN BY THE LEGAL DEPARTMENT - GENERAL SAMPLE

	<u>Number</u>	<u>Percentage</u>
Referred to Complaints Committee or Council	61	4.7
Not referred to Complaints Committee or Council	1235	95.3
	<hr/> 1296	<hr/> 100.0

Less than 5 percent of all complaints received by the Society were dealt with by a more senior body than the Legal Department. As Table G5 below shows, a large proportion of the complaints which went further related to trust fund irregularities.

In addition to the basic data in Table 7, the statistical profiles contained more detailed information on the course taken in the 95 percent of instances where the Legal Department did not refer a complaint to the Council. However, this data must be interpreted with caution, because only the final actions taken by the Legal Department (i.e. the action taken just before the file was "closed") were recorded. In many instances, the Department may have taken several courses before finally closing the file.

With these reservations in mind, however, it is worthwhile to mention some of the major "final actions" by the Legal Department. These were:

- Complainant advised to seek independent advice and/or given some advice in the matter - 591 cases;
- Complainant advised to lodge statutory declaration (this applied mainly to complaints received by telephone or by personal visit), no statutory declaration received so matter allowed to lapse - 47 cases.

According to the Society's background paper, the Legal Department advises a complainant to "seek independent advice" when "the complaint relates to the competence of a Solicitor, or (to) his possible negligence, but again clearly does not amount to misconduct".¹⁴ Sometimes, in these cases, the complainant also is given assistance in choosing an independent solicitor.

Upon receipt of any complaint, the Society usually requests an explanation from the solicitor concerned. An appendix to the Society's background paper on complaints contains a specimen of the standard letter sent and

this gives insight into the procedures observed. It is clear that the Legal Department generally sends the solicitor a copy of the letter or statutory declaration containing the original allegation, and also encloses a request for consent to show all or part of the solicitor's response to the complainant.

Complaints Committee

Sixty-one complaints, just under five percent of the general sample, were referred to the Complaints Committee. Table 8 shows the decisions it reached.

TABLE 8 - COMPLAINTS COMMITTEE DECISIONS - GENERAL SAMPLE

	<u>Number</u>	<u>Percentage</u>
Referred to Council	45	73.8
Not referred to Council	16	26.2
	61	100.0
	=====	

The Complaints Committee examined all matters it received and referred almost three-quarters of them to the Council.

Council

The Law Society's Council has a variety of functions in the disciplinary area. It can impose sanctions (e.g., by censuring a solicitor or cancelling or not renewing his practising certificate); it can take some interim or "investigatory" action (e.g. by asking the Supreme Court to appoint a receiver or by appointing an investigator, or seeking a solicitor's explanation of an investigator's report); or it can refer a matter (with or without recommendations) to the Statutory Committee.

Table 9 classifies the Council's decisions in relation to general sample matters according to whether or not some measure was imposed.

TABLE 9 - COUNCIL DECISIONS - GENERAL SAMPLE

	<u>Number</u>	<u>Percentage</u>
Measure imposed	38	84.4
No measure imposed	7	15.6
	45	100.0
	=====	

Included in the "measure imposed" category were:

- . referrals to the Solicitor's Statutory Committee;
- . appointments of receivers;
- . appointments of investigators;
- . instances where a solicitor's explanation of a complaint or an inspector's report was sought;

cancellation or non-renewals of practising certificates.

Of the 7 instances where no measure was imposed, 3 arose out of conveyancing work (these were the only 4 conveyancing cases which reached the Council level); 2 involved the investment of a client's money (19 such cases reached Council) and one each arose out of 'other litigation' (a total of 2 reached Council level) and probate and administration (5 were considered by Council). For a complete analysis see Table G4 (below)

It is not possible to give a detailed breakdown of the "measures imposed". The statistical profiles do not present full details of all actions taken by the Council (there may be several). Only the most recent decision by that body is recorded. Presentation of these figures would only present a misleading picture of the Council's activities.

Statutory Committee

Table 10 shows the actions taken by the Statutory Committee on general sample matters referred to it.

TABLE 10 - STATUTORY COMMITTEE DECISIONS - GENERAL SAMPLE

	<u>Number</u>	<u>Percentage</u>
Decision Pending	3	20.0
Strike off	8	53.3
Suspend Practising Certificate	1	8.7
Fine	3	20.0
TOTAL	15	100.0

=====

The penalties imposed, and the low numbers of hearings, would seem to indicate that only the most serious allegations received by the Society eventually are resolved by the Committee. The point is emphasised by figure A below, which illustrates the 'flow' of matters through the Society's disciplinary bodies to the Statutory Committee.

LEGAL DEPARTMENT - 1296 COMPLAINTS RECEIVED

COMPLAINTS COMMITTEE - 61 matters dealt with

COUNCIL - 45 matters dealt with

STATUTORY COMMITTEE - (12 heard and 3 pending)

Summary

The "general sample" of complaints analysed for this report comprised 50 percent of complaints received by the Society during the years 1974-1976. Of the sample 1248 cases were drawn from the 'ordinary' complaints files (or 'mini-files' as the Society calls them) and 48 from the 'D' files.

Although complaints most often arose out of conveyancing, probate, family law or "other litigation", the absence of adequate background data on the

total work-loads of solicitors creates some problems for attempts to estimate whether these types of work were over-represented.

Complaints against solicitors canvassed a broad range of issues. However, allegations concerning delays and/or poor communication accounted for more than 1 in 3 received, while "fees charged" and "negligence" each accounted for about 13 percent. The main sources of referrals to the Society were clients or former clients of solicitors, and complaints tended to be against sole practitioners and smaller firms rather than larger practices. This was re-emphasised when records of other complaints were examined. Sole practitioners averaged more than 7 prior complaints received, whereas for medium and larger firms the average was 1.3 other complaints per partner.

The majority - over 95 per cent - of cases included in the "general sample" had not been taken beyond the Legal Department. This is a body within the Law Society whose task it is to receive and check complaints and to pass on any matters which may require discipline. Where a complaint did not proceed beyond the Legal Department stage, the complainant generally had been told to seek the advice of an independent solicitor, or the Department had obtained an explanation which it deemed to be satisfactory. The main type of complaints for which a significant proportion of matters had been referred to the Complaints Committee were allegations concerning deficiencies or other irregularities in trust funds (see Table G5). Complaints in these categories also accounted for the majority of instances where some type of disciplinary action was taken, whether by the Society or by the Solicitors' Statutory Committee.

2. The "D" Files Sample

Introduction

As mentioned earlier, the Law Society maintains separate files on complaints which its Legal Department judges to be "more serious". The Law Reform Commission obtained anonymised profiles of the 150 "D" files which were opened during a period of approximately five years, ending on 31/12/76. Before proceeding to a detailed analysis, one preliminary comment must be made. It is impossible to state unequivocally how complaints which became "D" files differ from other complaints received. The Law Society did not supply the Law Reform Commission with the precise criteria it uses in categorising complaints as "more serious."

Type of Matter Involved

A significant feature of the "D" files was that a high proportion of the complaints arose as the result of a solicitor's investment of his client's money. This is clear from Table 11, which compares the types of matter giving rise to "D" Files with corresponding percentages for the general sample of complaints.¹⁵

TABLE 11 - TYPE OF WORK BEING DONE BY SOLICITOR - 'D' FILES AND GENERAL SAMPLE

<u>Type of Work</u>	<u>Number of "D" Files</u>	<u>Percentages</u>	<u>Corresponding % of General Sample</u>
Family law	2	1.3	11.9
Conveyancing	25	16.7	21.4
Probate and administration	13	8.7	16.7
Motor vehicle accident	2	1.3	3.5
Worker's compensation and other industrial accidents	1	0.7	2.5
Criminal	6	4.0	1.3
Non-litigious commercial	19	12.7	9.3
Investment of client's money	60	40.0	3.9
Other litigation	6	4.0	11.4
Other	0	-	2.0
Not relevant	8	5.3	0.8
Not stated on profile	8	5.3	15.3
TOTAL	150	100.0	100.0

Four out of ten "D" files related to the investment of a client's money; the corresponding figure for the sample of all complaints received was 3.9 per cent. Categories of work which were under-represented in the "D" files when compared with the general population of complaints received included family law (1.3 per cent as opposed to 11.9 per cent), probate and administration (8.6 per cent as opposed to 16.7 per cent) and "other litigation" (4.0 per cent as opposed to 11.4 per cent).

Reason for Dissatisfaction

The data on types of matter generating "D" files suggests that the Law Society attaches significance to any allegation concerning irregularities in the handling of trust funds. This point is re-emphasised by Table 12, which shows the types of complaints recorded in "D" files and makes a comparison with the general sample.

TABLE 12 - REASONS FOR DISSATISFACTION - "D" FILE SAMPLE AND GENERAL SAMPLE

Reason for Dissatisfaction	Number in "D" files		Percentage of total "D" files complaints	Corresponding percentage of General sample
	subtotal	total		
1. <u>Excessive charges</u>		1	0.5	6.1
2. <u>Other dissatisfaction about charges</u>				
No details of charges	0			
Seeking costs in advance	1			
Mere inquiry re charges	0			
Other matters re charges	2			
TOTAL		3	1.6	6.5
3. <u>Conflict of interest</u>		19	10.3	1.8
4. <u>Trust funds</u>				
Acting without instructions, or contrary to instructions re trust funds	26			
Deficiencies in trust funds	52			
TOTAL		78	42.2	2.2
5. <u>Acting contrary to instructions (other than re trust funds)</u>		5	2.7	5.0
6. <u>Withholding documents or money</u>				
Exercise of lien	0			
Positive failure to return documents	2			
Withholding money	3			
TOTAL		5	2.7	6.6
7. <u>Delay</u>		18	9.7	28.6
8. <u>Poor communication</u>				
Failure to keep client informed	1			
Failure to answer correspondence and/or to speak on telephone	6			
TOTAL		7	3.8	8.3
9. <u>Negligence</u>		9	4.9	13.1
10. <u>Other</u>				
Unfriendly behaviour	2			
Disclosure of confidential information	0			
Other, including general general dissatisfaction with lawyer	32			
TOTAL		34	18.4	11.2
11. <u>Not stated on Profile</u>		6	3.2	10.6
TOTAL		185	100.0	100.0
		===	=====	=====

* Total not equal to 150 because in some instances more than one reason for dissatisfaction was noted on the profile.

Over forty per cent of reasons for "D" files complaints concerned trust funds deficiencies or irregularities. A further one in ten related to conflicts of interest. The corresponding figures for the "general" sample were 2.2 per cent (trust funds) and 1.8 per cent (conflict of interest). Allegations of delay or negligence, which together constituted more than 40 per cent of the sample of total complaints made, accounted for a much lower proportion (14.6 per cent) of the "D" file complaints.

Type of Complaint

Table 13 shows the types of complainants giving rise to "D" files.

TABLE 13 - TYPE OF COMPLAINANT - "D" FILE SAMPLE AND GENERAL SAMPLE

Type of Complainant	Number of 'D' Files	Percent- age 'D' Files	Corresponding percentage of general sample
Client	38	25.3	62.3
Former client	11	7.3	7.6
Witness	0	0	0.8
Beneficiary of Will	4	2.7	5.8
Other Party	6	4.0	7.2
Another solicitor	17	11.3	4.2
Barrister	0	0	0
Member of Parliament	0	0	0.2
Member of Public who has dealings with solicitor (but not as his client)	0	0	3.2
Prothonotary	11	7.3)	3.7*
Other government agency	10	6.7)	
Law Society (including "random" inspections of solicitor's trust accounts)	30	20.0)	
Other	16	10.7)	
Not stated on profile	7	4.7	5.0
TOTAL	150	100.0	100.0

* Complaints from Prothonotary or other government agency, and investigations initiated by Law Society itself, were all classified as 'other' in general sample.

Table 13 shows that almost 20 per cent of the "D" Files had been opened by the Law Society itself. Sometimes this followed the "random" inspection of a solicitor's trust account by a Society inspector. A further 14 per cent were the consequence of referral of a matter by the Prothonotary (a Senior Officer of the Supreme Court) or by some other government agency. That the Law Society, or a relevant government agency, was responsible for the opening of more than one in three 'D' Files has several possible interpretations. One is that ordinary clients lack the specialised knowledge to alert themselves to some serious breaches by solicitors.¹⁶ Another is that the Law Society automatically treats allegations from these sources as "more serious". It is also possible that these other agencies are more aware of the types of matters which the Law Society regards as serious.

Size of Practice

As Table 14 shows, over three quarters of the "D" File complaints were against sole practitioners. By contrast, only one half of the "general" sample related to sole practitioners, and as mentioned earlier, most recent estimates on the deployment of the profession have found that less than a third of qualified solicitors are in this type of practice. All these factors seem to indicate that sole practitioners and solicitors in small firms are much more likely than solicitors in larger practices to encounter circumstances which result in their being investigated for serious breaches.

This point is reemphasised when practices mentioned in "D" files are compared on the basis of other complaints received. For each sole practitioner in the "D" files the Society had received an average (mean) of 9.5 other complaints. For small firms (2-3 principals) this ratio was about 3.4 per principal while the medium and larger firms (4 or more principals) averaged only 0.6 other complaints received per principal.

TABLE 14 SIZE OF PRACTICE - "D" FILES SAMPLE AND GENERAL SAMPLE

<u>Size of Practice</u>	<u>Number of "D" Files</u>	<u>Percentage of "D" Files</u>	<u>Corresponding Percentage of general sample</u>
Sole Practice	115	76.7	47.4
Small Partnership (2 or 3 principals)	28	18.7	34.8
Medium partnership (4-9 principals)	5	3.3	11.7
Large partnership (more than 9 principals)	0	0	0.8
Not stated	2	1.3	5.3
TOTAL	150	100.0	100.0

Location of Practice

Table 15 below shows the locations of practices mentioned in the "D" files. Again it should be noted that categories used by the Law Society to indicate geographical locations may be imprecise.

TABLE 15 - LOCATION OF PRACTICE - "D" FILES SAMPLE AND GENERAL SAMPLE

<u>Location</u>	<u>Number</u>	<u>Percentage of "D" Files</u>	<u>Corresponding Percentage of general sample</u>
Sydney City	72	48.0	43.1
Sydney Suburban	43	28.7	29.1
Country	29	19.3	22.0
Not stated in profile	6	4.0	5.8
TOTAL	150	100.0	100.0

Table 15 indicates that 'Sydney city' solicitors seem to be under-represented, and 'Sydney suburban' solicitors are over-represented, but not to the extent as in the general sample (for example, only 43 per cent of solicitors mentioned in the general sample were identified as practising in the city, and 29.1 per cent were classified as "suburban").

Action Taken on Complaints Received

Legal Department

Table 16 shows actions taken by the Legal Department with regard to "D" file complaints.

TABLE 16 - ACTIONS BY LEGAL DEPARTMENT - "D" FILE SAMPLE

	<u>Number</u>	<u>Percentage</u>
Referred to Complaints Committee or Council	137	91.3
Not referred to Complaints Committee or Council	13	8.7
TOTAL	150	100.0

Not surprisingly, the "D" Files are in total contrast to the general sample, with the overwhelming majority being referred on to a more senior body. Of the 13 matters which did not go beyond the Department, 4 arose out of conveyancing work (there was a total of 25 conveyancing matters in the "D" files). Only two of the 60 "D" file complaints relating to a solicitor's investment of his client's money was finalised at the Legal Department stage. (For full details, see Table D4)

Complaints Committee

Table 17 shows actions taken by the Complaints Committee on "D" file complaints.

TABLE 17 - ACTION TAKEN BY COMPLAINTS COMMITTEE - 'D' FILE SAMPLE

	<u>Number</u>	<u>Percentage</u>
Referred to Council	112	81.7
Not referred to Council	25	18.3

TOTAL	137	100.0
	=====	

It will be noted that a slightly lower proportion of "D" files were finalised by the Complaints Committee alone than was the case for the general sample. As for the general sample, almost all (53 out of 58) allegations regarding trust fund misuse were referred on (see Table D5, for details).

/ Council

As Table 18 shows, four out of every five matters referred to the Council resulted in some type of measure being imposed by that body. This proportion is very similar to that for the general samples and would be at least partly due to the fact that the general sample contained some D files.

TABLE 18 - ACTION TAKEN BY COUNCIL - "D" FILE SAMPLE

<u>Action</u>	<u>Number</u>	<u>Percentage</u>
Measure imposed*	90	80.4
No measure imposed	22	19.6

TOTAL	112	100.0
	=====	

*See discussion of Council actions with regard to general sample for definition of "measure imposed". This category included 49 cases referred on to the Statutory Committee.

Statutory Committee

Table 19 shows the decisions taken by the Statutory Committee with respect to the matters which reached it.

TABLE 19 - ACTIONS TAKEN BY STATUTORY COMMITTEE - "D" FILE SAMPLE

<u>Action</u>	<u>Number</u>	<u>Percentage</u>
Pending	8	16.3
No professional misconduct	-	-
Strike off	16	32.6
Suspend practising certificate	12	24.5
Fine and reprimand only	13	26.5
Reprimand	-	-
TOTAL	49	100.0

It will be noted that there was a lower proportion of 'striking off', but more suspensions of practising certificates, than was the case for the comparable group in the general sample. Just under 1 in 3 (32.4 per cent) of "D" file cases resulted in a Statutory Committee hearing; the corresponding figure for the general sample was 1.3 per cent.

Summary

The 150 "D" files analysed above represent those cases handled by the Law Society during the past 5 years and classified into its 'most serious' category. About forty percent of these, as opposed to 2.2% of the general sample, concerned alleged deficiencies or irregularities in a solicitor's trust funds. A high proportion of "D" files were opened by the Law Society itself, some instances followed the "random" inspection of a trust account.

Complaints from the Prothonotary, and other government agencies, were also responsible for the opening by the Legal Department of a large proportion of the "D" files, whereas relatively few resulted from complaints by clients or former clients. This suggests that laymen may lack adequate knowledge to protect themselves against 'more severe' types of exploitation, or that other agencies are more aware of the matters which the Law Society regards as serious.

Sole practitioners, already over-represented among ordinary complaints figures, tended to appear even more frequently in "D" files - in fact 76.7 per cent of these related to sole practices. As was mentioned earlier, this overrepresentation is consistent with finding from overseas studies.

With the "D" files, however, it is possible that the figures are not a precise reflection of the total range of misconduct by solicitors. Many of "D" files were opened as a result of Law Society inspections of trust accounts. One cannot rule out the possibility that sole practitioners are over-represented in "D" files simply because they are more effectively policed than other solicitors.

3. DISCUSSION OF GENERAL SAMPLE AND "D" FILES

At this point it is useful to summarise the points which have emerged both from the general sample and from the "D" files. As was foreshadowed in the introduction to this report, the summary will concentrate on three areas: how the machinery for disciplining lawyers operates; "problem areas" in relations between lawyers and clients; and the types of lawyers most commonly incurring complaints. It should be noted, however, that the following comments are of a general nature only, suggesting ways the data might be interpreted rather than attempting to reach firm conclusions.

How the machinery for disciplining lawyers operates.

Consideration of both the general sample and the 'D' Files have made it clear that, in practice, before an allegation is heard by the Solicitors' Statutory Committee it must first have passed through a "filtering system" composed of the Legal Department, the Complaints Committee and the Council. From the information on the profiles supplied to us, it is not really possible for us to state whether the filtering system is too severe. It is clear, however, that allegations concerning negligence, delay or poor communication, which comprise the majority of complaints received, are very rarely dealt with by a more senior body than the Legal Department. The bulk of work done by the Complaints Committee, the Council and the Statutory Committee consists of considering allegations of deficiencies, etc., in trust funds. These allegations, of course, constitute a high proportion of "D" file complaints - which re-emphasises their importance. These findings are consistent with overseas studies, such as Carlin's investigation of lawyers in New York City and Arthurs' analysis of discipline in the legal profession of Ontario.¹⁷ Carlin has gone so far as to contend that "the official agencies ...do little more than discipline those regarded in the wider community as committing essentially criminal offences. Standards that are distinctive to, and that arise from the special requirements of the legal profession are only weakly enforced." He has concluded that "the organised bar through the operation of its formal disciplinary measures seems to be less concerned with scrutinising the moral integrity of the profession than with forestalling public criticism and control".¹⁸ The present data would not justify such sweeping conclusions, nonetheless it is clear that much of the behaviour which incurred sanctions from the Law Society of New South Wales was criminal, or of such a type as to constitute a clear violation of general community standards.

Another point worth noting is that a very large proportion of complaints to the Society were dealt with at the "lowest rung" of the disciplinary ladder (i. e. the Legal Department) and in many cases the complainant was advised by the Legal Department to "seek independent advice". In these cases, it would seem, the Society itself considered some type of action could be taken.¹⁹ Despite this, very little further action through the Law Society seems to have been taken by complainants. Perhaps the Law Society could develop more effective mechanisms for helping complainants to 'follow up' matters in these grey areas.

Problem areas in relations between solicitors and clients

The general sample of complaints indicates that:

- (i) Delay, negligence, poor communication and fees charged were the major reasons for dissatisfaction with lawyers. More than sixty percent of all complaints related to one or other of these areas;
- (ii) Complaints concerning delays were particularly prevalent for probate matters;
- (iii) There may be communication problems between solicitors and clients with respect to probate and administration, conveyancing, non-litigious commercial and family law work.
- (iv) Such areas as conveyancing and non-litigious commercial work seemed to generate a higher proportion of complaints concerning negligence than did other types of work.

From a research point of view, it would seem that the data in its complaints files could be a valuable resource for any body receiving allegations against lawyers. This study has been unable to reach firm

conclusions in many areas, largely because the researchers who analysed the data did not have access to original files. Any body whose job it is to handle complaints would find confidentiality less of a problem than has the present project and would be in a unique position to provide "feedback" to solicitors on the problems and frustrations typically encountered by clients. This could be a first step toward alleviating these difficulties.

The types of solicitors most commonly incurring complaints

Both the general and the "D" File sample indicated that sole practitioners tended to be more at risk of giving rise to complaints to the Law Society and of incurring disciplinary action. Complaints treated by the Society as 'minor' (eg. allegations of negligence, delay, poor communication) and also 'more serious' matters (especially allegations of irregularities in trust accounts) both included higher proportions of sole practitioners than are present in the total population of solicitors. This overrepresentation of sole practitioners in complaints files is consistent with previous studies in this area. It is useful to review some of the hypotheses which have emerged from these studies and to assess their applicability to the Australian scene.

Carlin concluded that "the type of clientele a lawyer serves has a profound effect on his ability to conform even to basic ethical standards ... we found that lawyers who have frequent opportunities to exploit clients are most likely to commit violations if they have an expendable clientele."²⁰ He contended that smaller practices, whom he found to have a higher 'turnover' of clients, may have been more likely to view some clients as 'expendable' and thus commit breaches.

A recent survey of New South Wales lawyers contains some data relevant to this theory. Tomasic and Bullard²¹ categorised solicitors on a city/suburban/country basis. They found that:

- . the mean number of 'individual' clients seen by country solicitors was 28.671, whilst suburban and city solicitors saw 15.276 and 11.449 such clients respectively. (p.66)
- . the practices of country and particularly suburban solicitors ... appear to have a high client turnover (p.66)
- . suburban solicitors are almost three times more likely to be sole practitioners than are city or country solicitors. (p.45)

These findings do not necessarily support Carlin's theory, although suburban practices conform to his model in that they have a larger number of clients, a higher client turnover and more sole practices than city firms. The complaints data has shown that country practitioners, who according to Tomasic and Bullard see the largest number of clients, are not overrepresented in the complaints files. Moreover, Carlin may be reading too much into his data when he forms hypotheses about solicitors' attitudes to their clients. The very fact that a solicitor sees the larger numbers of clients automatically makes him more exposed to risk of being complained against, regardless of whether the solicitor views any of these clients as 'expendable'.

Carlin's data also reveals that in New York, solicitors in smaller practices enjoy lower financial rewards, and he suggests that this may give them to a greater temptation to exploit their clients for financial gain.²² Once again Tomasic and Bullard's survey provides relevant Australian data. They found that suburban solicitors (who generally work in smaller practices) tended to enjoy lower average incomes than city practitioners, who in turn were less well paid than country solicitors.²³ However, in the absence of case-studies which analyse the motivations for disciplinary breaches it is impossible to state whether 'lower income'

is a factor or whether it is merely a correlate of more important contributors to this type of behaviour.

Another factor mentioned in other studies, and which may be relevant to the present data, is that sole practitioners lack the steadying influence of other solicitors.

Some of the explanations discussed in this section assume that complaints files reflect the actual incidence of disciplinary breaches in the legal community. However, with regard to 'D' Files especially it should be noted policing methods within the profession may tend to focus on smaller practices.

The statistical profiles analysed in the preceding pages provide information both on the behaviour of lawyers and on the disciplinary procedures of the Law Society. It would be unwise, however, to attempt to arrive at conclusions in either area on the basis of this data alone. More reliable inferences will be drawn by considering these figures in conjunction with other information. Particularly useful would be cases-studies of individual instances of lawyer discipline.

4. FOOTNOTES

1. See The Law Society of New South Wales, Background Paper, on 'Complaints and Discipline' (March 1977), p.11. This background paper contains detailed information on all four disciplinary bodies, and is the basis for the present summary.
2. Note that certain enquiries generated by the Law Society itself, such as the random inspection of trust accounts, are also initially dealt with by the Legal Department.
3. See below for details of Council.
4. Law Society, Complaints and Discipline, op. cit., p.13.
5. As at 30/6/77, a total of 5430 solicitors had New South Wales practising certificates. Almost all of these were members of the Law Society (Oct.1977, 15 (5) Law Society Jnl. 280.6).
6. Law Society, Complaints and Discipline . op.cit., p.16.
7. See Sec. 82A of the Legal Practitioners Act 1898 for details of the investigators' powers.
8. Sec. 65B, Legal Practitioners Act.
9. Sec. 71, Legal Practitioners Act.
10. See Disney, J; Barton, J; Redmond, P; and Ross, S. Lawyers. (Law Book Co., 1977) p.106 for a discussion of some figures which are available.
11. For example: Arthurs, S. "Discipline in the Legal Profession in Ontario" (1970) 7 Osgoode Hall L.J. 235; Carlin, J.E. Lawyers Ethics (Russell Sage Foundation, New York, 1966).
12. Purcell, T. 'Continuing Legal Education' (1974) 12 Law Soc. Jnl. 103, at 105.
13. The Law Society cites (op.cit. P.10) three references which set out the principles for making these decisions:
 - Atkins, R. The New South Wales Solicitors Manual (Law Society of New South Wales 1975) 3rd Edn. Ch.7. pp.65 ff.
 - Lund, T. The Professional Conduct and Etiquette of Solicitors (London, Law Society, 1960) Chs. 1, 5 and 7
 - The Council of the Law Society of England and Wales: A Guide to the Professional Conduct of Solicitors (London, 1974).It also states that it 'closely follows' the findings of the Court on cases involving professional misconduct by solicitors and that the finding of the Solicitors' Statutory Committee are another source of reference.
14. Law Society, Complaints and Discipline , op.cit., p.11.
15. Note that there is overlap between the "D" files and the general sample. The "general sample" includes 48 "D" files, which comprise every second "D" file relating to the period 1974-1976.
16. Arthurs, op.cit., p.262 makes this point with respect to her data.
17. Carlin, op.cit., p.145. Arthurs, op.cit., p.261

18. Carlin, op.cit., p.161.
19. In this context it is also worth noting that a recent survey by the Law Foundation found that: "a significant number of people believe law societies are not sufficiently rigorous in the investigation and resolution of complaints." Tomasic, R., Law, Lawyers and the Community. Law Foundation, 1976, p.83.
20. Carlin, op.cit., p.167.
21. Tomasic, R. and Bullard, C. Lawyers and their Work : A Preliminary Project. The Law Foundation of New South Wales.
22. Carlin, op.cit., p.168.
23. Tomasic and Bullard, op.cit., p.53.



Cross-Tabulations

General Sample

- G1 Action taken and number of other complaints received
- G2 Action taken and location of practice
- G3 Action taken and size of practice
- G4 Action taken and type of matter
- G5 Action taken and reason for dissatisfaction
- G6 Other complaints received and years since admission (sole practitioners only)
- G7 Type of work being performed and size of practice
- G8 Reason for dissatisfaction and number of other complaints received
- G9 Reason for dissatisfaction and type of work being performed
- G10 Other complaints received and size of practice
- G11 Reason for dissatisfaction and years since admission (sole practitioners only)
- G12 Total other complaints received and type of work being performed
- G13 Location of practice and size of practice
- G14 Reason for dissatisfaction and size of practice
- G15 Number of other complaints received and location of practice
- G16 Type of work being performed and location of practice
- G17 Reason for dissatisfaction and location of practice
- G18 Size of practice and number of other complaints received

"D" File Sample

- D1 Action taken and number of other complaints received
- D2 Action taken and location of practice
- D3 Action taken and size of practice
- D4 Action taken and type of matter
- D5 Action taken and reason for dissatisfaction
- D6 Other complaints received and years since admission (sole practitioners only)
- D7 Type of work being performed and size of practice
- D8 Reason for dissatisfaction and number of other complaints received
- D9 Reason for dissatisfaction and type of work being performed
- D10 Other complaints received and size of practice
- D11 Reason for dissatisfaction and years since admission (sole practitioners only)
- D12 Total other complaints received and type of work being performed
- D13 Location of practice and size of practice
- D14 Reason for dissatisfaction and size of practice
- D15 Number of other complaints received and size of practice
- D16 Type of work being performed and size of practice
- D17 Reason for dissatisfaction and location of practice
- D18 Size of practice and number of other complaints received

Table G1 - Action Taken and Number of Other Complaints Received - General Sample

Action Taken	Number of other complaints received											Total		
	None	1-5	6-10	11-20	21+	Not Stated								
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Legal Department	179	13.8	456	35.2	268	20.7	170	13.1	97	7.5	126	9.7	1296	100.0
	9	14.8	21	34.3	11	18.0	12	19.7	4	6.6	4	6.6	61	100.0
Complaints Committee	9	14.8	21	34.3	11	18.0	12	19.7	4	6.6	4	6.6	61	100.0
	9	20.0	16	35.5	5	11.0	9	20.0	3	6.7	3	6.7	45	100.0
Council	9	20.0	16	35.5	5	11.0	9	20.0	3	6.7	3	6.7	45	100.0
	7	18.9	14	37.9	3	8.1	7	18.9	3	8.1	3	8.1	37	100.0
Statutory Committee	2	13.3	8	53.3	1	6.7	1	6.7	3	20.0	3	20.0	15	100.0
	2	13.3	8	53.3	1	6.7	1	6.7	3	20.0	3	20.0	15	100.0
Suspension of Practising Certificate or fine	1	12.5	5	65.2	1	12.5	1	12.5	-	-	-	-	8	100.0
	1	14.3	3	42.9	-	-	-	-	3	42.8	3	42.8	7	100.0

Table 62 - Action Taken and Location of Practice - General Sample

Action taken	Location of Practice								Total	
	Sydney City		Sydney Suburbs		Country		Not Stated			
	No	%	No	%	No	%	No	%		
Legal Department	559	43.1	337	29.1	285	22.0	75	5.8	1296	100.0
Considered by Department										
Referred to Complaints Committee or Council	25	41.0	19	31.1	14	23.0	3	4.2	61	100.0
Complaints Committee	25	41.0	19	31.1	4	23.0	3	4.9	61	100.0
Referred to Council	18	40.0	12	26.7	13	28.9	2	4.4	45	100.0
Council	18	40.0	12	26.7	13	28.9	2	4.4	45	100.0
Measure imposed (Including Reference to Statutory Committee)	15	40.6	10	27.0	10	27.0	2	5.4	37	100.0
Referred to Statutory Committee	6	40.0	6	40.0	3	20.0	-	-	15	100.0
Statutory Committee	6	40.0	6	40.0	3	20.0	-	-	15	100.0
Struck off	4	50.0	2	25.0	2	25.0	-	-	8	100.0
Suspension of Practising Certificate or fine	2	28.6	4	57.1	1	4.3	-	-	7	100.0

Table 63 - Action Taken and Size of Practice - General Sample

Action Taken	Sole Practitioner		Small (2-3 Partners)		Medium/Large (4 or more partners)		Not stated		Total		
	No	%	No	%	No	%	No	%	No	%	
Legal Department	Considered by Department	616	47.6	451	34.8	161	12.4	68	5.2	1296	100.0
	Referred to Complaints Committee or Council	47	77.1	12	19.7	1	1.6	1	1.6	61	100.0
Complaints Committee	Considered by Committee	47	77.1	12	19.7	1	1.6	1	1.6	61	100.0
	Referred to Council	39	86.7	6	13.3	-	-	-	-	45	100.0
Council	Considered by Council	39	86.7	6	13.3	-	-	-	-	45	100.0
	Measure Imposed (Including Reference to Statutory Committee)	33	89.2	4	10.8	-	-	-	-	37	100.0
Statutory Committee	Referred to Statutory Committee	13	82.4	2	17.6	-	-	-	-	15	100.0
	Considered by Statutory Committee	13	86.7	2	13.3	-	-	-	-	15	100.0
Statutory Committee	Struck off	6	84.6	2	15.4	-	-	-	-	8	100.0
	Suspension of Practising Certificate, or fine	7	100.0	-	-	-	-	-	-	7	100.0

TABLE NO. 64 - ACTION TAKEN AND TYPE OF MATTER - GENERAL SAMPLE

		Type of Work Being Performed												
		Family Law	Conveyancing	Probate and Administration	Motor Vehicle Accident	Workers' Compensation and Industrial Accidents	Criminal	Non-Litigious Commercial	Investment of Clients Money	Other Litigation	Other Not Stated	Not Relevant	TOTAL	
Legal Department	Considered by Department	No. 154	278	216	45	33	17	120	50	148	235	1296		
		% 11.9	21.4	16.7	3.5	2.5	1.3	9.3	3.9	11.4	18.1	100.0		
Legal Department	Referred to Complaints Committee or Council	No. 1	6	8	3	-	3	3	22	2	13	61		
		% 1.6	9.8	13.1	4.9	-	4.9	4.9	36.2	3.3	21.3	100.0		
Complaints Committee	Considered by Committee	No. 1	6	8	3	-	3	3	22	2	13	61		
		% 1.6	9.8	13.1	4.9	-	4.9	4.9	36.2	3.3	21.3	100.0		
Complaints Committee	Referred to Council	No. 1	4	5	1	-	2	2	19	2	9	45		
		% 2.2	8.9	11.2	2.2	-	4.4	4.4	42.3	4.4	20.0	100.0		
Complaints Committee	Considered by Council	No. 1	4	5	1	-	2	2	19	2	9	45		
		% 2.2	8.9	11.2	2.2	-	4.4	4.4	42.3	4.4	20.0	100.0		
Council	Measure Imposed (Including Reference to Statutory Committee)	No. 1	1	4	1	-	2	2	17	1	9	38		
		% 2.6	2.6	10.5	2.6	-	5.3	5.3	44.8	2.6	23.7	100.0		
Statutory Committee	Referred to Statutory Committee	No. -	1	-	-	-	-	-	8	-	6	15		
		% -	6.7	-	-	-	-	-	53.3	-	40.0	100.0		
Statutory Committee	Considered by Statutory Committee	No. -	1	-	-	-	-	-	8	-	6	15		
		% -	6.7	-	-	-	-	-	53.3	-	40.0	100.0		
Statutory Committee	Struck off	No. -	-	-	-	-	-	-	4	-	4	8		
		% -	-	-	-	-	-	-	50.0	-	50.0	100.0		
Statutory Committee	Suspension of Practising Certificate or fine	No. -	1	-	-	-	-	-	4	-	2	7		
		% -	14.3	-	-	-	-	-	57.1	-	28.6	100.0		

TABLE NO. G5 - ACTION TAKEN AND REASON FOR DISSATISFACTION - GENERAL SAMPLE

Action taken	Reason for Dissatisfaction										Total		
	Excessive charges	Other re charges	Conflict of interest	Trust funds	Acting contrary to instructions	Withholding documents/ money	Delay	Poor communication	Negligence	Other		Not stated	
LEGAL DEPARTMENT	Considered by Department	No. 83	86	30	32	66	88	378	110	173	137	141	1324
		% 6.3	6.5	2.3	2.4	5.0	6.6	28.6	8.3	13.1	10.3	10.6	100.0
COMPLAINTS COMMITTEE	Referred to Council	No. 2	-	10	23	5	3	7	5	6	7	4	72
		% 2.8	-	13.9	32.0	6.9	4.2	9.7	6.9	8.3	9.7	5.6	100.0
COUNCIL	Considered by Council	No. 2	-	10	23	5	3	7	5	6	7	4	72
		% 3.5	-	13.9	32.0	6.9	4.2	9.7	6.9	8.3	9.7	5.6	100.0
Measure Imposed (Including Reference to Statutory Committee)	Referred to Statutory Committee	No. 2	-	9	21	4	2	4	2	4	7	2	57
		% 4.0	-	15.8	36.8	7.0	3.5	7.0	3.5	7.0	12.4	3.5	100.0
Statutory Committee	Considered by Council	No. 2	-	9	21	4	2	4	2	4	7	2	57
		% 7.4	-	15.8	36.8	7.0	3.5	7.0	3.5	7.0	12.4	3.5	100.0
Statutory Committee	Considered by Statutory Committee	No. 2	-	8	15	-	-	-	-	2	-	-	27
		% 7.4	-	29.6	55.6	-	-	-	-	7.4	-	-	100.0
Statutory Committee	Struck Off	No. 2	-	4	8	-	-	-	-	-	-	-	14
		% 14.3	-	28.6	57.1	-	-	-	-	-	-	-	100.0
Statutory Committee	Suspension of Practising Certificate or fine	No. -	-	4	7	-	-	-	-	2	-	-	13
		% -	-	30.8	53.8	-	-	-	-	15.4	-	-	100.0

Table 66 - Other complaints received and years since admission - General sample (Sole practitioners only)

Number of other complaints	Years since admission												Total	
	0-4 Yrs		4-9 Yrs		10-14 Yrs		15-24 Yrs		25+		Not stated in profile			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
None	18	42.8	33	18.4	8	6.7	18	12.6	16	15.8	11	25.6	104	16.6
1-5	13	31.0	57	31.9	26	21.8	54	37.7	35	34.7	18	41.8	203	32.3
6-10	5	11.9	34	19.0	31	26.1	35	24.5	21	20.8	2	4.7	128	20.4
11-20	1	2.4	33	18.4	34	28.6	23	16.1	12	11.9	4	9.3	107	17.1
More than 20	-	-	12	6.7	5	4.2	8	5.6	9	8.9	3	7.0	37	5.9
Not known	5	11.9	10	5.6	15	12.6	5	3.5	8	7.9	5	11.6	48	7.7
Total	42	100.0	179	100.0	119	100.0	143	100.0	101	100.0	43	100.0	627	100.0

Table G7 - Type of Matter and Size of Practice - General Sample

Type of Matter	Size of Practice (Number of Principals)											
	1	2-3		4-9		10+		Not stated in profile		Total		
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1. Family Law	64	10.4	51	11.3	27	17.9	2	20.0	10	14.5	154	11.9
2. Conveyancing	144	23.4	98	21.8	24	15.9	1	10.0	11	15.9	278	21.4
3. Probate and Administration	100	16.2	81	18.0	28	18.5	2	20.0	5	7.2	216	16.6
4. Motor vehicle accident	17	2.8	24	5.3	3	2.0	-	-	1	1.5	45	3.5
5. Workers' compensation and other industrial accidents	11	1.8	9	2.0	11	7.3	-	-	2	2.9	33	2.5
6. Criminal	8	1.3	7	1.6	1	0.7	-	-	1	1.5	17	1.3
7. Non-litigious commercial	63	10.2	37	8.2	13	8.6	-	-	7	10.1	120	9.3
8. Investment of clients' money	34	5.5	12	2.7	2	1.3	-	-	2	2.9	50	3.9
9. Other litigation	66	10.7	62	13.7	12	7.9	-	-	8	11.6	148	11.4
10. Other	12	2.0	6	1.3	5	3.3	1	10.0	2	2.9	26	2.0
11. Not relevant	4	0.7	2	0.4	3	2.0	-	-	1	1.5	10	0.8
12. Not stated in profile	92	15.0	62	13.7	22	14.6	4	40.0	19	27.5	199	15.4
TOTAL	615	100.0	451	100.0	151	100.0	10	100.0	69	100.0	1296	100.0

Table: G 8 - Reason for Dissatisfaction and Number of other Complaints Received - General Sample

Note total reasons for dissatisfaction not equal to total complaints received because in some instances there was more than one reason for dissatisfaction

Reason for Dissatisfaction	None	Number of other complaints										Total		
		1-5	6-10	11-20	More than 20	Not known								
	No	%	No	%	No	%	No	%	No	%	No	%		
1. Excessive charges	7	3.9	38	8.2	13	4.8	10	5.7	5	5.0	8	6.3	81	6.1
2. Other complaints re charges	11	6.1	33	7.1	17	6.2	11	6.3	2	2.0	12	9.5	86	6.5
3. Conflict of interest	5	1.8	9	1.9	5	1.8	3	1.7	0	0.0	2	1.6	24	1.8
4. Trust funds	5	2.8	9	1.9	4	1.4	5	2.8	3	3.0	3	2.4	29	2.2
5. Acting contrary to instructions	8	4.4	28	6.0	9	3.3	6	3.4	8	8.0	7	5.5	66	5.0
6. Withholding documents or money	14	7.7	30	6.5	12	4.4	15	8.5	9	9.0	8	6.3	88	6.6
7. Delay	41	22.7	134	28.8	92	33.4	53	30.1	34	34.0	24	18.9	378	28.6
8. Poor communication	12	6.6	35	7.5	29	10.5	22	12.5	7	7.0	5	3.9	110	8.3
9. Negligence	27	14.9	55	11.9	45	16.4	23	13.1	11	11.0	12	9.4	173	13.1
10. Other	29	16.0	49	10.5	27	9.8	15	8.5	13	13.0	15	11.8	148	11.2
11. Not known/not stated in profile	22	12.1	45	9.7	22	8.0	13	7.4	8	8.0	31	24.4	141	10.6
TOTAL	181	100.0	465	100.0	275	100.0	176	100.0	100	100.0	127	100.0	1324	100.0

TABLE No. G.9 - Reason for Dissatisfaction and Type of Matter (General Sample)

Reason for Dissatisfaction	Type of Matter												TOTAL
	Excessive charges	Other complaints re charges	Conflict of interest	Trust funds	Acting contrary to instructions	Withholding of money or documents	Poor communication	Negligence	Other	Not stated on profile			
Family Law	No. 10	12	1	-	9	5	49	12	19	20	21		158
	% 6.3	7.6	0.6	-	5.7	3.2	31.0	7.6	12.0	12.6	13.4		100.0
Conveyancing	No. 16	22	6	-	12	16	89	17	59	25	22		284
	% 5.6	7.8	2.1	-	4.2	5.6	31.3	6.0	20.8	8.8	7.8		100.0
Probate and Administration	No. 5	1	1	1	4	14	117	28	14	12	22		219
	% 2.3	0.5	0.5	0.5	1.8	6.4	53.4	12.8	6.4	5.4	10.0		100.0
Motor Vehicle Accident	No. 3	1	-	1	-	1	21	3	3	6	6		45
	% 6.7	2.2	-	2.2	-	2.2	46.7	6.7	6.7	13.3	13.3		100.0
Workers' Compensation, Industrial Accidents	No. -	1	-	2	4	2	9	2	3	4	5		32
	% -	3.1	-	6.3	12.5	6.3	28.1	6.3	9.3	12.5	15.6		100.0
Criminal	No. 3	2	-	-	1	-	-	1	3	5	2		17
	% 17.6	11.8	-	-	5.9	-	-	5.9	17.6	29.4	11.8		100.0
Non-Litigious Commercial	No. 8	8	5	1	11	16	17	14	20	15	7		122
	% 6.6	6.6	4.1	0.8	9.0	13.1	13.9	11.5	16.4	12.3	5.7		100.0
Investment of Clients' Money	No. 1	1	4	22	4	-	3	3	8	5	3		54
	% 1.8	1.8	7.4	40.7	7.4	-	5.6	5.6	14.8	9.3	5.6		100.0
Other Litigation	No. 9	11	2	1	11	9	50	10	23	15	12		153
	% 5.9	7.2	1.3	0.6	7.2	5.9	32.7	6.5	15.0	9.8	7.9		100.0
Other	No. 2	-	-	-	-	1	8	4	2	6	4		27
	% 7.4	-	-	-	-	3.7	29.7	14.8	7.4	22.2	14.8		100.0
Not relevant	No. 1	-	-	-	1	-	1	-	-	2	4		9
	% 11.1	-	-	-	11.1	-	11.1	-	-	22.2	44.5		100.0
Not stated on profile	No. 23	27	5	1	9	24	14	16	19	33	33		204
	% 11.3	13.2	2.5	0.5	4.4	11.8	6.9	7.8	9.3	16.1	16.2		100.0
TOTAL	No. 81	86	24	29	66	88	378	110	173	148	141		1324
	% 6.1	6.5	1.8	2.2	5.0	6.6	28.5	8.3	13.0	11.1	10.9		100.0

Table No. G10 - Other Complaints Received And Size of Practice - General Sample.

Number of Other Complaints	Size of Practice (Number of Principals)										Total	
	1	2 - 3	4 - 9	10+	Not stated		Total					
	No	%	No	%	No	%	No	%	No	%	No	%
None	104	16.9	57	12.6	15	9.9	-	-	3	4.4	179	13.8
1 - 5	203	33.0	203	44.9	44	29.1	6	60.0	-	-	456	35.2
6 - 10	128	20.8	86	19.1	53	35.2	1	10.0	-	-	268	20.7
11 -20	108	17.5	40	8.9	21	13.9	1	10.0	-	-	170	13.1
More than 20	37	6.0	44	9.8	7	4.6	1	10.0	8	11.8	97	7.5
Not known	36	5.8	21	4.7	11	7.3	1	10.0	57	83.8	126	9.7
TOTAL	616	100.0	451	100.0	151	100.0	10	100.0	68	100.0	1296	100.0

Table G.11 - Reason for Dissatisfaction and Years since Admission - General Sample Sole Practitioners Only

(Note: total number of reasons for dissatisfaction is not equal to total complaints received against sole practitioner because some complainants had multiple reasons for dissatisfaction)
 Not stated in profile

Reason for dissatisfaction	0-4 yrs		5-9 yrs		10-14 yrs.		15-24 yrs.		25 yrs +		Total			
	No	%	No	%	No	%	No	%	No	%	No	%		
1. Excessive charges	3	7.1	11	6.1	5	4.2	4	2.8	8	7.9	1	2.3	32	5.1
2. Other complaints re charges	1	2.4	12	6.7	15	12.6	8	5.6	9	8.9	1	2.3	46	7.3
3. Conflict of interest	1	2.4	2	1.1	3	2.5	2	1.4	2	2.0	3	7.0	13	2.0
4. Trust funds	-	-	4	2.2	3	2.5	-	-	-	-	15	35.0	22	3.5
5. Acting contrary to instructions	1	2.4	8	4.5	3	2.5	11	7.7	7	6.9	3	7.0	33	5.3
6. Withholding documents or money	2	4.8	17	9.5	12	10.1	8	5.6	8	7.9	1	2.3	48	7.7
7. Delay	10	23.8	47	26.3	2	22.7	52	36.3	28	27.8	3	7.0	167	26.6
8. Poor communication	3	7.1	21	11.7	10	8.4	8	5.6	7	6.9	1	2.3	50	8.0
9. Negligence	10	23.8	25	14.0	19	16.0	18	12.6	16	15.9	3	7.0	91	14.5
10. Other	6	14.3	18	10.1	12	10.1	19	13.3	9	8.9	6	13.9	70	11.2
11. Not stated	5	11.9	14	7.8	10	8.4	13	9.1	7	6.9	6	13.9	55	8.8
TOTAL	42	100.0	179	100.0	119	100.0	143	100.0	101	100.0	43	100.0	627	100.0

Table G12 - Type of work being performed and total of other complaints received - General Sample.

Type of work being performed	None	Total other complaints received										TOTAL		
		1-5		6-10		11-20		More than 20		Not known				
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Family Law	23	14.9	46	29.9	30	19.5	15	9.7	18	11.7	22	14.3	154	100.0
Conveyancing	35	12.6	106	38.1	55	19.8	43	15.5	12	4.3	27	9.7	278	100.0
Probate and Administration	26	12.0	84	39.0	62	28.7	23	10.6	10	4.6	11	5.1	216	100.0
Motor vehicle accident	6	13.3	15	33.3	13	29.0	4	8.9	5	11.1	2	4.4	45	100.0
Workers compensation, other industrial accidents	1	3.0	4	12.1	12	36.4	7	21.2	6	18.2	3	9.1	23	100.0
Criminal	2	11.8	2	11.8	9	52.9	4	23.5	-	-	-	-	17	100.0
Non-Litigious Commercial	15	12.5	40	33.4	19	15.8	19	15.8	14	11.7	13	10.8	120	100.0
Investment of Client's money	7	14.0	21	42.0	6	12.0	6	12.0	4	8.0	6	12.0	50	100.0
Other Litigation	25	16.9	55	37.1	26	17.5	17	11.5	15	10.2	10	6.8	148	100.0
Other	39	16.6	83	35.4	36	15.3	31	13.2	13	5.5	33	14.0	235	100.0
Total	179	13.8	456	35.2	268	20.7	169	13.0	97	7.5	127	9.8	1296	100.0

Table 613 - Location of Practice and Size of Practice - General Sample

Location of Practice	Size of Practice (Number of Principals)										Not Stated in Profile		Total	
	1		2-3		4-9		10+		No	%	No	%		
Sydney City	No	%	No	%	No	%	No	%	No	%	No	%	No	%
	248	40.3	195	43.2	96	63.6	9	90.0	11	16.2	559	43.1		
Sydney Suburban	232	37.7	127	28.2	17	11.3	1	10.0	-	-	377	29.1		
Country	124	20.1	123	27.3	37	24.5	-	-	1	1.5	285	22.0		
Not stated in profile	12	1.9	6	1.3	1	0.7	-	-	56	82.3	75	5.8		
TOTAL	616	100.0	451	100.0	151	100.0	10	100.0	68	100.0	1296	100.0		

Table G14 - Reason for Dissatisfaction and Size of Practice - General Sample

(Note: total reasons for dissatisfaction greater than complaints received because some complainants had multiple reasons for dissatisfaction.)

Reason for dissatisfaction	Size of Practice (Number of Principals)										Not stated in profile		Total
	1	2-3	4-9	10+	No	%	No	%	No	%	No	%	
1. Excessive charges	32	30	12	3	32	5.1	6.5	7.8	25.0	4	5.6	81	6.1
2. Other complaints re charges	46	28	7	-	46	7.4	6.0	4.6	-	5	7.0	86	6.5
3. Conflict of interest	13	9	1	1	13	2.1	1.9	0.7	8.3	-	-	24	1.8
4. Trust funds	22	5	1	-	22	3.5	1.1	0.7	-	1	1.4	29	2.2
5. Acting contrary to instructions	33	26	3	-	33	5.3	5.6	2.0	-	4	5.6	66	5.0
6. Withholding documents or money	48	28	9	-	48	7.7	6.0	5.9	-	3	4.2	88	6.6
7. Delay	167	150	50	2	167	26.8	32.3	32.7	16.7	9	12.7	378	28.6
8. Poor communication	50	38	19	2	50	8.0	8.2	12.4	16.7	1	1.4	110	8.3
9. Negligence	91	57	20	1	91	14.6	12.3	13.1	8.3	4	5.6	173	13.1
10. Other	67	51	17	1	67	10.7	11.0	11.1	8.3	12	16.9	148	11.2
11. Not stated in profile	55	42	14	2	55	8.8	9.1	9.2	16.7	28	39.4	141	10.6
TOTAL	624	464	153	12	624	100.0	100.0	100.0	160.0	71	100.0	1324	100.0

Table G15 - Number of Other Complaints Received and Location of Practice - General Sample

Number of Other Complaints	Location of Practice						Total			
	Sydney City		Sydney Suburbs		Country			Not Stated in profile		
	No	%	No	%	No	%		No	%	
None	75	13.4	58	15.4	42	14.7	4	5.3	179	13.8
1-5	179	32.1	147	40.0	124	43.6	6	7.9	456	35.2
6-10	124	22.2	84	22.3	56	19.6	4	5.3	268	20.7
11-20	69	12.4	57	15.1	42	14.7	2	2.6	170	13.1
More than 20	73	13.1	10	2.7	9	3.2	5	6.6	97	7.5
Not known	38	6.8	21	5.6	12	4.2	55	72.3	126	9.7
TOTAL	558	100.0	377	100.0	285	100.0	76	100.0	1296	100.0

Table G16 : Type of Work being performed and Location of Practice - General Sample

Type of Matter	Sydney City		Sydney Suburbs		Country		Not stated in profile		Total	
	No	%	No	%	No	%	No	%	No	%
1. Family law	85	15.2	37	9.8	23	8.1	9	11.8	154	11.9
2. Conveyancing	83	14.9	94	24.9	84	29.4	17	22.4	278	21.4
3. Probate and administration	87	15.6	51	13.5	74	25.9	4	5.3	216	16.7
4. Motor vehicle accident	21	3.8	15	4.0	7	2.5	2	2.6	45	3.5
5. Workers' compensation and other industrial accidents	27	4.8	3	0.8	2	0.7	1	1.3	33	2.5
6. Criminal	7	1.3	7	1.9	1	0.4	2	2.6	17	1.3
7. Non-litigious commercial	47	8.4	38	10.1	26	9.1	9	11.8	120	9.3
8. Investment of clients' money	21	3.8	18	4.8	9	3.2	2	2.6	50	3.9
9. Other litigation	74	13.3	41	10.9	27	9.5	6	7.9	148	11.4
10. Other	9	1.6	8	2.1	6	2.1	3	3.9	26	2.0
11. Not relevant	5	0.9	1	0.3	2	0.7	2	2.6	10	0.8
12. Not stated in profile	92	16.5	64	17.0	24	8.4	19	25.0	199	15.4
TOTAL	558	100.0	377	100.0	285	100.0	76	100.0	1296	100.0

Table G 17 - Reason for Dissatisfaction and Location of Practice - General Sample
 (Note: that total reasons for dissatisfaction exceeds total complaints received because some complainants had multiple reasons for dissatisfaction)

Reason for dissatisfaction	Location of Practice											Total	
	Sydney City			Sydney Suburbs			Country			Not stated in profile			
	No	%		No	%		No	%		No	%		
1. Excessive charges	39	6.9		26	6.7		11	3.8		5	6.5	81	6.1
2. Other complaints re charges	42	7.4		29	7.5		9	3.1		6	7.8	86	6.5
3. Conflict of interest	11	1.9		7	1.8		6	2.0				24	1.8
4. Trust funds	15	2.6		8	2.1		5	1.7		1	1.3	29	2.2
5. Acting contrary to instructions	23	4.0		21	5.4		16	5.5		6	7.8	66	5.0
6. Withholding documents or money	38	6.7		28	7.3		19	6.5		3	3.9	88	6.6
7. Delay	147	26.0		97	25.2		122	41.6		12	15.6	378	28.6
8. Poor communication	53	9.3		27	7.0		29	9.9		1	1.3	110	8.3
9. Negligence	75	13.2		58	15.0		32	10.9		8	10.4	173	13.1
10. Other	67	11.8		47	12.2		23	7.8		11	14.3	148	11.2
11. Not stated in profile	58	10.2		38	9.8		21	7.2		24	31.1	141	10.6
TOTAL	568	100.0		386	100.0		293	100.0		77	100.0	1324	100.0

Table G18 - Size of Practice and Other Complaints - General Sample

Size of Practice (Number of Principals)	Number of Other Complaints											Total		
	None	1-5		6-10		11-20		More than 20		Not known				
		No	%	No	%	No	%	No	%	No	%		No	%
1	104	58.1	203	44.6	128	47.7	108	63.5	37	38.2	36	28.6	616	47.5
2-3	57	31.8	203	44.5	86	32.1	40	23.5	44	45.4	21	16.7	451	34.8
4-9	15	8.4	44	9.6	53	19.8	21	12.4	7	7.2	11	8.7	151	11.7
10+	-	-	6	1.3	1	0.4	1	0.6	1	1.0	1	0.8	10	0.8
Not Stated	3	1.7	-	-	-	-	-	-	8	8.2	57	45.2	68	5.2
TOTAL	179	100.0	456	100.0	268	100.0	170	100.0	97	100.0	126	100.0	1296	100.0

Table D1 - Action Taken and number of other complaints received - 'D' Files

	Total 'Other' Complaints received										Not stated in profile		Total	
	0		1-5		6-10		11-20		21+		No			%
	No	%	No	%	No	%	No	%	No	%	No	%		
Considered by Department	27	17.9	50	33.1	21	13.9	23	15.2	24	15.9	6	4.0	151	100.0
Referred to Complaints Committee or Council	26	18.8	46	33.4	21	15.2	20	14.5	20	14.5	5	3.6	138	100.0
Considered by Committee	26	18.8	46	33.4	21	15.2	20	14.5	20	14.5	5	3.6	138	100.0
Referred to Council	20	17.7	39	34.6	17	15.0	17	15.0	15	13.3	5	4.4	113	100.0
Considered by Council	20	17.9	39	34.7	17	15.2	16	14.3	15	13.4	5	4.5	112	100.0
Measure Imposed (including reference to Statutory Committee)	17	18.7	33	36.2	13	14.3	13	14.3	10	11.0	5	5.5	91	100.0
Referred to Statutory Committee	9	18.4	18	36.8	5	10.2	8	16.3	8	16.3	1	2.0	49	100.0
Considered by Statutory Committee	9	22.5	12	30.0	4	10.0	6	15.0	8	20.0	1	2.5	40*	100.0
Struck off	4	26.7	4	26.7	3	20.0	1	6.6	3	20.0	-	-	15	100.0
Suspension of practicing certificate or fine	4	25.0	5	31.2	1	6.3	3	18.7	2	12.5	1	6.3	16	100.0
Reprimand only	1	12.5	3	37.5	-	-	1	12.5	3	37.5	-	-	8	100.0
No professional misconduct	-	-	-	-	-	-	1	100.0	-	-	-	-	1	100.0

* 9 matters pending.

Table No. D 2 - Action Taken and Location of Practice 'D' Files

Location of Practice	Sydney City		Sydney Suburbs		Country		Not stated in profile		Total	
	No	%	No	%	No	%	No	%	No	%
Legal Department	72	48.3	43	28.5	29	19.2	6	40.0	150	100.0
	64	47.1	41	29.7	28	20.3	4	2.9	137	100.0
Complaints Committee	64	47.1	41	29.7	28	20.3	4	2.9	137	100.0
	54	47.7	33	29.2	23	20.4	4	2.7	113	100.0
Council	53	47.3	33	29.5	23	20.5	3	2.7	112	100.0
	41	45.0	30	33.0	19	20.0	1	1.1	91	100.0
Statutory Committee (Excluding pending matters)	18	36.7	18	36.7	12	24.6	1	2.0	49	100.0
	15	37.5	14	35.0	10	25.0	1	2.5	40*	100.0
Statutory Committee (Excluding pending matters)	6	40.0	6	40.0	3	20.0	-	-	15	100.0
	5	31.2	4	25.0	6	37.5	1	6.3	16	100.0
Statutory Committee (Excluding pending matters)	4	50.0	4	50.0	-	-	-	-	8	100.0
	-	-	-	-	1	100.0	-	-	1	100.0

* 9 matters pending

Table D3 - Action and Size of Practice 'D' Files

Size of Practice	Sole Practitioner		Small (2-3 partners)		Medium/large (4 or more partners)		Not stated		Total		
	No	%	No	%	No	%	No	%	No	%	
Legal Department	Considered by Department	115	76.2	28	18.5	5	3.3	3	2.0	151	100.0
	Referred to Complaints Committee or Council	106	76.9	25	18.1	5	3.6	2	1.4	138	100.0
Complaints Committee	Considered by Committee	106	76.9	25	18.1	5	3.6	2	1.4	138	100.0
	Referred to Council	89	78.8	19	16.8	4	3.5	1	0.9	113	100.0
Council	Considered by Council	88	78.5	19	17.0	4	3.6	1	0.9	112	100.0
	Measure Imposed (including reference to Statutory Committee)	71	78.0	16	17.6	3	3.3	1	1.1	91	100.0
Statutory Committee (Excluding Pending Matters)	Referred to statutory Committee	37	75.5	9	18.4	2	4.1	1	2.0	49	100.0
	Considered by Statutory Committee	30	75.0	8	20.0	1	2.5	1	2.5	40*	100.0
Statutory Committee (Excluding Pending Matters)	Struck off	13	86.7	2	13.3	-	-	-	-	15	100.0
	Suspension of practising certificate or fine	10	62.4	4	25.0	1	6.3	1	6.3	16	100.0
No professional misconduct	Reprimand only	7	87.5	1	12.5	-	-	-	-	8	100.0
	No professional misconduct	-	-	1	100.0	-	-	-	-	1	100.0

* 9 matters pending.

TABLE NO. D4 - ACTION TAKEN AND TYPE OF MATTER 'D' FILES SAMPLE

Type of matter	Family Law		Conveyancing		Probate and administration		Motor vehicle accident		Workers' compensation and other industrial accidents		Criminal		Non-litigious commercial		Investment of clients' money		Other litigation		Not stated in profile		TOTAL		
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%			
LEGAL DEPARTMENT																							
Considered by Department	2	1.3	25	13	13	8.7	2	1.3	2	0.7	1	0.6	19	12.7	60	40.0	6	4.0	8	5.3	8	150	
Referred to Complaints Committee or Council	1	0.7	21	12	8.7	16.7	1	0.7	1	0.7	1	0.6	17	12.4	40.0	4.0	5	3.6	7	5.1	8	100.0	
COMPLAINTS COMMITTEE																							
Considered by Committee	1	0.7	21	12	8.8	15.4	1	0.7	1	0.7	1	0.6	17	12.4	42.4	3.6	5	3.6	7	5.1	8	137	
Referred to Council	-	-	18	10	8.9	16.1	1	0.9	-	-	-	4	3.6	10	8.9	53	2.7	3	2.7	7	6.3	6	112
COUNCIL																							
Considered by Council	-	-	18	10	9.0	16.2	1	0.9	-	-	-	3	2.7	10	9.0	54	2.7	3	2.7	7	6.3	6	112
Measured imposed (including reference to Statutory Committee)	-	-	10	7	7.8	11.1	1	1.1	-	-	-	2	2.2	8	8.9	47	2.2	2	2.2	7	7.8	6	90
Referred to Statutory Committee	-	-	7	3	6.1	14.3	-	-	-	-	-	1	2.0	5	10.2	29	2.0	1	2.0	-	-	3	49
STATUTORY COMMITTEE																							
Considered by Statutory Committee	-	-	5	2	5.0	12.5	-	-	-	-	-	1	2.5	4	10.0	24	2.5	1	2.5	-	-	3	40*
Struck Off	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	14	-	-	-	-	-	1	15
Suspension of practicing certificate or fine	-	-	4	2	12.5	25.0	-	-	-	-	-	1	6.3	2	12.5	-	31.2	5	31.2	-	-	2	16
Reprimand only	-	-	-	-	-	-	-	-	-	-	-	-	-	2	25.0	5	12.5	1	12.5	-	-	-	8
No professional misconduct	-	-	1	-	-	100.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.0

*9 matters pending

TABLE NO. D5 - ACTION TAKEN AND REASON FOR DISSATISFACTION 'D' FILES SAMPLE
 (Note: Total reasons for dissatisfaction not equal to total complaints received because in some instances a single complainant had multiple reasons for dissatisfaction)

			Reason for dissatisfaction										Not stated in profile	TOTAL
	No	%	Excessive charges	Other complaints	Conflict of interest	Trust funds	Acting secretary	Withholding documents	Delay	Poor communication	Misfeasance	Other		
LEGAL DEPARTMENT	Considered by Department	1	3	19	78	5	18	7	9	34	6	185	100.0	
		0.5	1.6	10.3	42.2	2.7	9.7	3.8	4.9	18.4	3.2	100.0		
COMPLAINTS COMMITTEE	Referred to Complaints Committee or Council	1	3	17	75	5	13	6	9	29	6	168	100.0	
		0.6	1.8	10.1	44.5	3.0	7.7	3.6	5.4	17.3	3.6	100.0		
COUNCIL	Considered by Council	1	2	15	67	3	10	4	8	20	4	137	100.0	
		0.7	1.5	10.9	49.0	2.2	7.3	2.9	5.8	14.6	2.9	100.0		
COUNCIL	Measure imposed (Including Reference to Statutory Committee)	-	1	12	61	2	4	3	5	18	3	112	100.0	
		-	0.9	10.7	54.4	1.8	3.6	2.7	4.5	16.0	2.7	100.0		
STATUTORY COMMITTEE (EXCLUDING PENDING MATTERS)	Considered by Statutory Committee	1	1	7	38	1	2	1	4	4	1	62	100.0	
		2.0	1.6	11.3	61.3	1.6	3.2	1.6	6.5	6.5	1.6	100.0		
STATUTORY COMMITTEE (EXCLUDING PENDING MATTERS)	Struck Off	-	-	-	16	-	-	-	-	-	-	16	100.0	
		-	-	-	100.0	-	-	-	-	-	-	100.0		
STATUTORY COMMITTEE (EXCLUDING PENDING MATTERS)	Suspension of Practising Certificate or fine	-	-	3	11	-	-	-	4	4	1	24	100.0	
		-	-	12.5	45.7	-	-	-	16.7	16.7	4.2	100.0		
STATUTORY COMMITTEE (EXCLUDING PENDING MATTERS)	Reprimand only	-	1	2	4	-	-	-	-	-	-	8	100.0	
		-	12.5	25.0	50.0	-	-	-	-	-	-	100.0		
STATUTORY COMMITTEE (EXCLUDING PENDING MATTERS)	No professional misconduct	-	-	-	1	-	-	-	-	-	-	1	100.0	
		-	-	-	100.0	-	-	-	-	-	-	100.0		

Table No. D6 - Other complaints received and years since admission (sole practitioners only)

Other complaints	Sole practitioner, years since admission													
	0-4 yrs.		5-9 yrs.		10-14 yrs.		15-24 yrs.		25+		Not stated		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
None	3	100.0	3	10.0	4	22.2	4	15.4	6	16.2	1	100.0	21	18.3
1-5	-	-	13	43.3	4	22.2	9	34.6	12	32.4	-	-	38	33.0
6-10	-	-	3	10.0	1	5.6	7	26.9	4	10.8	-	-	15	13.0
11-20	-	-	5	16.7	4	22.2	1	3.8	5	13.5	-	-	15	13.0
More than 20	-	-	5	16.7	4	22.2	4	15.4	9	24.3	-	-	22	19.1
Not known	-	-	1	3.3	1	5.6	1	3.8	1	2.7	-	-	4	3.5
TOTAL	3	2.6	30	26.1	18	15.7	26	22.6	37	32.2	1	0.9	115	100.0

Table D7 - Size of Practice and Type of Matter - "D" Files Sample

Type of Matter	Size of Practice (Number of Principals)										Total
	Sole Practitioner		Small (2-3)		Medium/Large (4+)		Not Stated in Profile		Total		
	No	%	No	%	No	%	No	%	No	%	
1. Family law	1	0.9	-	-	-	-	1	33.3	2	1.3	
2. Conveyancing	16	14.0	8	28.6	1	20.0	-	-	25	16.7	
3. Probate and administration	9	7.9	3	10.7	1	20.0	-	-	13	8.7	
4. Motor vehicle accident	1	0.9	1	3.6	-	-	-	-	2	1.3	
5. Workers' compensation and other industrial accidents	1	0.9	-	-	-	-	-	-	1	0.7	
6. Criminal	6	5.3	-	-	-	-	-	-	6	4.0	
7. Non-litigious commercial	14	12.3	3	10.7	1	20.0	1	33.3	19	12.7	
8. Investment of client's money	50	43.8	9	32.2	1	20.0	-	-	60	40.0	
9. Other litigation	4	3.5	2	7.1	-	-	-	-	6	4.0	
10. Other	-	-	-	-	-	-	-	-	-	-	
11. Not relevant	7	6.1	-	-	1	20.0	-	-	8	5.3	
12. Not stated in profile	5	4.4	2	7.1	-	-	1	33.4	8	5.3	
TOTAL	114	100.0	28	100.0	5	100.0	3	100.0	150	100.0	

Table No D8 - Reason for Dissatisfaction and number of other complaints received

	None		1-5		6-10		11-20		More than 20		Not known		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
1. Excessive charges	-	-	-	-	-	-	1	3.2	-	-	-	-	1	0.6
2. Other complaints re charges	-	-	1	1.7	-	-	1	3.2	1	3.6	-	-	3	1.6
3. Conflict of Interest	4	12.5	7	12.1	1	3.8	2	6.5	4	14.3	1	12.5	19	10.4
4. Trust Funds	18	56.3	22	37.9	15	57.7	9	29.0	12	42.9	2	25.0	78	42.6
5. Acting contrary to instructions	1	3.1	2	3.4	1	3.8	1	3.2	-	-	-	-	5	2.7
6. Withholding documents or money	-	-	1	1.7	-	-	2	6.5	-	-	-	-	3	1.6
7. Delay	1	3.1	3	5.2	3	11.5	5	16.1	5	17.8	1	12.5	18	9.8
8. Poor communications	1	3.1	2	3.4	-	-	1	3.2	2	7.1	1	12.5	7	3.8
9. Negligence	-	-	6	10.3	-	-	2	6.5	1	3.6	-	-	9	4.9
10. Other	6	18.8	12	20.7	6	23.1	6	19.4	2	7.1	2	25.0	34	18.6
11. Not stated	1	3.1	2	3.4	-	-	1	3.2	1	3.6	1	12.5	6	3.3
TOTAL	32	100.0	58	100.0	26	100.0	31	100.0	28	100.0	8	100.0	183	100.0

Table No D9 - Reason for dissatisfaction and type of matter 'D' File sample

Type of Matter	No	%	Excessive charges	Other complaints	Conflict of interest	Trust funds	Acting contrary to instructions	Withholding documents or money	Delay	Poor communication	Negligence	Other	Not stated in profile	TOTAL
Family Law		No	-	-	-	1	-	1	-	-	-	1	-	3
		%	-	-	-	33.3	-	33.3	-	-	-	33.3	-	100.0
Conveyancing		No	3.4	1	1	8	1	1	5	-	6	4	1	29
		%	3.4	3.4	3.4	27.7	3.4	3.4	17.3	-	20.8	13.8	3.4	100.0
Probate and Administration		No.	-	-	-	5	-	1	9	5	-	-	-	20
		%	-	-	-	25.0	-	5.0	45.0	25.0	-	-	-	100.0
Motor Vehicle Accident		No	-	-	-	-	-	-	1	-	-	1	-	2
		%	-	-	-	-	-	-	50.0	-	-	50.0	-	100.0
Workers Compensation, Industrial Accidents		No	-	-	-	1	-	-	-	-	-	-	-	1
		%	-	-	-	100.0	-	-	-	-	-	-	-	100.0
Criminal		No	-	-	-	-	-	-	-	-	-	6	-	6
		%	-	-	-	-	-	-	-	-	-	100.0	-	100.0
Non-litigious Commercial		No	-	1	11	5	-	-	1	-	1	5	1	25
		%	-	4.0	44.0	20.0	-	-	4.0	-	4.0	20.0	4.0	100.0
Investment of Clients money		No	-	1	6	54	1	2	2	2	1	4	2	75
		%	-	1.3	8.0	72.0	1.3	2.7	2.7	2.7	1.3	5.3	2.7	100.0
Other litigation		No	-	-	-	1	3	-	-	-	-	2	-	6
		%	-	-	-	16.7	50.0	-	-	-	-	33.3	-	100.0
Other		No	-	-	-	-	-	-	-	-	-	-	-	-
		%	-	-	-	-	-	-	-	-	-	-	-	-
Not relevant		No	-	-	-	-	-	-	-	-	-	8	-	8
		%	-	-	-	-	-	-	-	-	-	100.0	-	100.0
Not stated on profile		No	-	-	1	2	-	-	-	1	1	3	3	10
		%	-	-	10.0	20.0	-	-	-	10.0	30.0	30.0	30.0	100.0
TOTAL		No	1	3	19	77	5	5	18	7	9	34	7	185
		%	0.5	1.6	10.3	41.6	2.7	2.7	9.7	3.8	4.9	18.4	3.8	100.0

Table No D10 - Other complaints received and size of practice

Number of other complaints

Size of Firm	None		1-5		6-10		11-20		More than 20		Not known		TOTAL	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Sole proprietor	21	77.8	38	76.0	15	71.4	15	65.2	22	91.7	4	80.0	115	76.0
Small	3	11.1	10	20.0	6	28.6	7	30.4	2	8.3	-	-	28	18.7
Med. Large	2	7.4	2	4.0	-	-	1	4.3	-	-	-	-	5	3.3
Not known	1	3.7	-	-	-	-	-	-	-	-	1	10.0	2	1.3
TOTAL	27	18.0	50	33.3	21	14.0	23	15.3	24	16.0	5	3.3	150	100.0

Table No DII - Reasons for dissatisfaction and years since admission (Note sole practitioners only)

Reasons for dissatisfaction	0-4 yrs.		5-9 yrs.		10-14 yrs.		15-24 yrs.		25 yrs.+		Not stated		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
1. Excessive charges	-	-	1	2.9	-	-	-	-	-	-	-	-	1	0.7
2. Other complaints re charges	-	-	1	2.9	-	-	-	-	1	2.5	-	-	2	1.5
3. Conflict of Interests	-	-	-	-	2	9.1	5	13.2	7	17.5	-	-	14	10.2
4. Trust Funds	2	66.7	15	44.1	8	36.4	17	44.7	19	47.5	1	100.0	62	44.9
5. Acting contrary to Instructions	-	-	3	8.8	-	-	-	-	-	-	-	-	3	2.2
6. Withholding documents or money	-	-	1	2.9	-	-	1	2.6	1	2.5	-	-	3	2.2
7. Delay	-	-	2	5.9	3	13.6	3	7.9	5	12.5	-	-	13	9.4
8. Poor Communications	-	-	-	-	3	13.6	2	5.3	1	2.5	-	-	6	4.3
9. Negligence	-	-	1	2.9	1	4.6	-	-	4	10.0	-	-	6	4.3
10. Other	1	33.3	9	26.5	5	22.7	9	23.7	2	5.0	-	-	26	18.8
11. Not Stated	-	-	1	2.9	-	-	1	2.6	-	-	-	-	2	1.5
TOTAL	3	100.0	34	100.0	22	100.0	38	100.0	40	100.0	1	100.0	138	100.0

Table D12 - Total other complaints received and type of work being performed

Type of work	Total other complaints													
	None		1-5		6-10		11-20		More than 20		Not known		Total	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Family Law	-	-	-	-	-	-	-	-	1	50.0	1	50.0	2	1.3
Conveyancing	-	-	9	36.0	3	12.0	7	28.0	6	24.0	-	-	25	16.6
Probate and Administration	3	23.1	1	7.7	3	23.1	3	23.1	2	15.4	1	7.7	13	8.6
Motor vehicle accident	-	-	-	-	1	50.0	1	50.0	-	-	-	-	2	1.3
Workers compensation	1	100.0	-	-	-	-	-	-	-	-	-	-	1	0.7
Criminal	1	16.7	2	33.3	2	33.3	1	16.7	-	-	-	-	6	4.0
Non-litigious Commercial	5	26.3	7	36.8	-	-	2	10.5	5	26.3	-	-	19	12.6
Investment of Client's money	12	20.0	24	40.0	10	16.7	4	6.7	8	13.3	2	3.3	60	39.7
Other litigation	2	33.3	3	50.0	-	-	1	16.7	-	-	-	-	6	4.0
Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Not relevant	1	12.5	2	25.0	1	12.5	2	25.0	1	12.5	1	12.5	8	5.3
Not stated	2	25.0	2	25.0	1	12.5	2	25.0	1	12.5	-	-	8	5.3
TOTAL	27	17.9	50	33.1	21	13.9	23	15.2	24	15.9	5	4.0	150	100.0

Table No. D13 - Size of Practice and Location of Practice - "D" files sample

Location of Practice	Size of Practice (Number of Principals)									
	1		2-3		4+		Not stated in profile		Total	
	No	%	No	%	No	%	No	%	No	%
Sydney City	39	33.9	3	10.7	-	-	1	50.0	43	28.7
Sydney Suburban	57	49.6	13	46.4	3	60.0	-	-	73	48.7
Country	15	13.0	12	42.9	2	40.0	-	-	29	19.3
Not stated in profile	4	3.5	-	-	-	-	1	50.0	5	3.3
TOTAL	115	100.0	28	100.0	5	100.0	2	100.0	150	100.0

Table D14 - Size of Practice and Reason for Dissatisfaction - "D" Files Sample

(Note: Total reason for dissatisfaction exceeds total complaints received because in some instances a single complainant had more than one reason for dissatisfaction)

Reason for Dissatisfaction	Sole Practitioner		Small (2-3)		Medium/large (4+)		Size of Practice (Number of Principals)		Total	
	No	%	No	%	No	%	No	%		
Excessive charges	1	0.7	-	-	-	-	-	-	1	0.5
Other complaints re charges	2	1.4	1	2.9	-	-	-	-	3	1.6
Conflict of interests	14	10.1	3	8.6	2	28.5	-	-	19	10.3
Trust Funds	61	43.9	13	37.1	3	42.9	-	-	77	41.6
Acting Contrary to instructions	3	2.2	2	5.7	-	-	-	-	5	2.7
Withholding documents	5	3.6	-	-	-	-	-	-	5	2.7
Delay	13	9.4	4	11.4	-	-	1	25.0	18	9.7
Poor communication	6	4.3	1	2.9	-	-	-	-	7	3.8
Negligence	6	4.3	2	5.7	1	14.3	-	-	9	4.9
Other	26	18.7	6	17.1	1	14.3	1	25.0	34	18.4
Not known/ not stated in profile	2	1.4	3	8.6	-	-	2	50.0	7	3.8
TOTAL	139	100.0	35	100.0	7	100.0	4	100.0	185	100.0

Table D15 - Location of Practice and Number of Other Complaints - "D" Files Sample

Number of other complaints	Location of Practice										Total	
	City		Suburban		Country		Not stated in profile					
	No	%	No	%	No	%	No	%	No	%		
None	14	19.4	9	20.9	4	13.8	-	-	-	-	27	18.0
1-5	19	26.5	17	39.6	12	41.2	1	16.7			49	32.6
6-10	9	12.5	5	11.6	7	24.1	-	-			21	14.0
11-20	15	20.8	4	9.3	4	13.8	-	-			23	15.3
More than 20	13	18.1	7	16.3	1	3.4	3	50.0			24	16.0
Not stated in profile	2	2.8	1	2.3	1	3.4	2	33.3			6	4.0
TOTAL	72	100.0	43	100.0	29	100.0	6	100.0			150	100.0

Table No D 16 - Type of Matter and Location of Practice - 'D' Files Sample

Type of Matter	City		Suburbs		Country		Not stated in profile		Total	
	No	%	No	%	No	%	No	%	No	%
1. Family law	1	-	1	2.3	-	-	1	16.7	2	1.3
2. Conveyancing	12	16.7	7	16.3	6	20.8	-	-	25	16.7
3. Probate and administration	7	9.7	-	-	5	17.2	1	16.7	13	8.7
4. Motor vehicle accident	2	2.8	-	-	-	-	-	-	2	1.3
5. Workers' compensation and other industrial accidents	1	1.4	-	-	-	-	-	-	1	0.7
6. Criminal	3	4.2	2	4.7	1	3.4	-	-	6	4.0
7. Non-litigious commercial	10	13.9	4	9.3	3	10.3	2	33.2	19	12.7
8. Investment of clients' money	25	34.6	22	51.1	12	41.5	1	16.7	60	40.0
9. Other litigation	4	5.6	1	2.3	1	3.4	-	-	6	4.0
10. Other	-	-	-	-	-	-	-	-	-	-
11. Not relevant	6	8.3	2	4.7	-	-	-	-	8	5.3
12. Not stated in profile	2	2.8	4	9.3	1	3.4	1	16.7	8	5.3
TOTAL	72	100.0	43	100.0	29	100.0	6	100.0	150	100.0

Table No. D17 - Location of Practice and Reason for Dissatisfaction - "D" Files Sample

(Note: total reasons for dissatisfaction exceeds total complaints received because some complainants had more than one reason for dissatisfaction)

Reason for Dissatisfaction	Location of Practice											TOTAL	
	City			Suburban			Country			Not stated in Profile			
	No	%		No	%		No	%		No	%		
1. Excessive Charges	1	1.1	-	-	-	-	-	-	-	-	-	1	0.5
2. Other complaints re charges	2	2.2	-	-	-	-	-	-	1	14.3	-	3	1.6
3. Conflict of interests	13	14.3	4	7.8	1	2.8	1	14.3	1	14.3	19	10.3	
4. Trust funds	36	39.5	23	45.2	17	47.3	1	14.3	1	14.3	77	41.6	
5. Acting contrary to instructions	3	3.3	2	3.9	-	-	-	-	-	-	5	2.7	
6. Withholding documents	1	1.1	3	5.8	1	2.8	-	-	-	-	5	2.7	
7. Delay	9	9.9	5	9.8	3	8.3	1	14.3	18	19.3	34	18.4	
8. Poor communication	4	4.4	-	-	3	8.3	-	-	7	7.7	11	5.9	
9. Negligence	4	4.4	2	3.9	3	8.3	-	-	9	9.9	16	8.6	
10. Other	14	15.4	11	21.6	8	22.2	1	14.3	34	36.4	67	35.8	
11 Not stated in profile	4	4.4	1	2.0	-	-	2	28.5	7	7.7	14	7.5	
TOTAL	91	100.0	51	100.0	36	100.0	7	100.0	185	100.0	185	100.0	

Table No. Di8 - Size of Practice and Number of other complaints received

Size of Firm	Other complaints											TOTAL		
	None	1-5		6-10		11-20		More than 20		Not known	TOTAL			
	No	%	No	%	No	%	No	%	No	%	No	%		
Sole Proprietor	21	77.8	38	76.0	15	65.2	22	91.7	22	91.7	4	80.0	115	76.7
Small	3	11.1	10	20.0	6	28.6	7	30.4	2	8.3	0	0.0	28	18.7
Med. Large	2	7.4	2	4.0	0	0.0	1	4.3	0	0.0	0	0.0	5	3.3
Not known	1	3.7	0	0	0	0.0	0	0.0	0	0.0	1	20.0	2	1.3
TOTAL	27	17.9	50	33.1	21	13.9	23	15.2	24	15.9	5	4.0	150	100.0

LAW REFORM COMMISSION

INQUIRY INTO LEGAL PROFESSION

STATISTICAL PROFILE

Law Society
File No:

Category on Schedule
of L.R.C.:

Nature of Complaint
& type of work involved:

Type of Complainant or
Source of Complaint:

Solicitor/s complained of:

- (a) Sole practitioner?
- (b) If a member of a firm,
how many partners?
- (c) If complaint against firm,
how many partners?

Location of Solicitors' practice:

Record of prior and subsequent
complaints (1968-1976):

Numbers:

Type of Complaints:

