



Legal Practitioners

Conduct Board

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GENERAL INFORMATION ABOUT CONCILIATION AT THE BOARD

Conciliation gives both lawyers and clients the opportunity to solve a problem at an informal discussion with a trained and experienced conciliator.

How can conciliation be arranged?

A lawyer or a complainant can ask the Board to arrange a conciliation conference if the complaint relates to:-

- the relationship between the lawyer and the client.
- costs,
- the transfer of a file.
- the service provided by the lawyer or the firm,
- or other grievances related to service delivery or communication.

The Board will suggest conciliation:-

- If a complaint has been made and the investigating solicitor considers conciliation is appropriate.
- If there is a grievance which can best be solved by open discussion.

When?

- If appropriate, soon after the complaint is made.
- At any time during the investigation of a complaint.

- As a matter of urgency eg. If there is a court hearing due and a problem has arisen.
- Sometimes one aspect of a complaint can be discussed at conciliation while other aspects continue to be investigated.

Where?

- Usually at the Board's premises at Level 3, 33 Franklin Street, Adelaide.
- Conferences can be held at other convenient neutral venues, particularly for people who live in outer metropolitan areas.
- Telephone conferences can also be arranged for parties who cannot meet face to face, particularly those who live in country areas.

Limitations

- Conciliation is voluntary and encouraged, but the Board cannot compel anyone to participate.
- In some cases conciliation is not suitable:-
 - Where there is the possibility of a criminal charge being laid against the lawyer.
 - Where the safety of any potential party at the conciliation may be at risk.
 - Where there is an obvious power imbalance between the parties that cannot be dealt with by the conciliation process.
- **Conduct matters cannot be resolved through conciliation. Conduct issues always need to be considered and finalised by the Board.**

Why should I participate in conciliation?

- Conciliation gives everyone an opportunity to talk through the problem.
- It is a step all parties can take to improve the situation and explore options.
- An agreement as to what is a fair and reasonable outcome.
- Conciliation allows some personal involvement and satisfaction for both parties, from the complaint process.

At Conciliation

- A practical approach is taken to resolve the problem.
- With some minor limitations, what is said at the meeting is confidential to allow full and frank discussion.
- You do not need knowledge of the law.
- You do need to come to conciliation with an open mind and a spirit of compromise.
- People are asked to listen to other points of view even if they do not agree with them.
- The conciliator will not allow aggressive behaviour and will make sure that everyone gets a fair go.
- The conciliator will help parties to discuss and identify options to resolve the problem.
- The conciliator does not judge the merits of the dispute or decide any issues. The conciliator will not give any legal advice.
- Both parties have a chance to speak and be heard.
- If an agreement is reached the conciliator will assist the parties to put the agreement in writing.
- The Board can arrange an interpreter if needed.
- Agreement reached at conciliation, if reduced to writing and signed by the parties is binding on them.
- There is no charge for conciliation.

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Information Sheets on other topics are available from the Board.