



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?

You can ask the Board to arrange a conciliation conference if your complaint relates to:-

- the relationship with your lawyer.
- problems with the costs,
- the transfer of the file.
- the service provided by the lawyer or the firm,
- or if you have other grievances.

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 will 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 those 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.
- **Misconduct by a lawyer 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 you and your lawyer can take to improve the situation and explore options.
- You can both agree what is a fair and reasonable outcome.
- You can have some personal involvement and satisfaction 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.