

Legal Profession (Inadequate Professional Services Complaint Inquiry) Rules

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LEGAL PROFESSION ACT (CHAPTER 161, PARAGRAPH 11 OF THE SECOND SCHEDULE)

LEGAL PROFESSION (INADEQUATE PROFESSIONAL SERVICES COMPLAINT INQUIRY) RULES

R 18

G.N. No. S 310/1998

REVISED EDITION 2010

Citation

1. These Rules may be cited as the Legal Profession (Inadequate Professional Services Complaint Inquiry) Rules.

Definitions

2. In these Rules, unless the context otherwise requires —

“complaint” means a written complaint made by a client to the Council which appears to disclose that the professional services provided by the solicitor or his law practice in connection with any matter has not been of a quality which it is reasonable to expect of him as a solicitor;

“Investigative Tribunal” means an Investigative Tribunal appointed by the Council under rule 6(1);

“law firm” has the same meaning as in the Legal Profession (Professional Conduct) Rules (R 1);

“law practice”, in relation to a solicitor, means the solicitor’s law firm, a law corporation of which the solicitor is a director or an employee or a limited liability law partnership of which the solicitor is a partner or an employee;

“mediator” means a mediator appointed by the Council under rule 4(3).

Complaint to be supported by statutory declaration

3. Where the Council determines that a complaint by a client be referred for investigation under these Rules, the Council may require that the complaint be supported by a statutory declaration of the client which must be forwarded to the Council.

Mediation of complaint

4.—(1) Where the Council determines that a complaint by a client be referred for investigation under these Rules, the Director of the Society shall write to the client to determine if the client consents to the mediation of his complaint by a mediator appointed by the Council.

(2) The Director of the Society shall forward to the client a notice, which shall be in such form as the Council may determine, to ascertain if the client consents to have his complaint mediated upon.

(3) If the client consents to the mediation, the Council shall as soon as practicable

appoint any solicitor who has in force a practising certificate to be the mediator and forward to the mediator a copy of the complaint specifying the allegations against the solicitor concerned.

(4) The mediator shall as soon as practicable fix a date for the mediation and, by a notice which shall be in such form as the Council may determine, forward to the solicitor concerned a copy of the complaint and the notice referred to in paragraph (2).

Duties and powers of mediator

5.—(1) The mediator may, by a notice which shall be in such form as the Council may determine, require the client and the solicitor concerned to furnish to him any document or file relevant to the complaint.

(2) The mediator may adjourn the mediation as he thinks fit but shall complete his mediation within 4 weeks from the time of his appointment under rule 4(3).

(3) The mediator shall upon completion of his mediation submit a written report to the Council which shall inform the Council if the complaint was mediated upon successfully and settled and the terms of the settlement, if any.

Duties and powers of Investigative Tribunal

6.—(1) A complaint by a client which has neither been referred to mediation nor settled by mediation shall be referred forthwith by the Council to an Investigative Tribunal appointed by the Council for an inquiry.

(2) An Investigative Tribunal shall consist of —

- (a) a Chairman who is a solicitor of not less than 10 years' standing; and
- (b) one other member who is a solicitor who has in force a practising certificate.

(3) The Investigative Tribunal shall —

- (a) within 2 weeks of its appointment, commence its inquiry into the complaint; and
- (b) within 2 months of its appointment, report its findings to the Council.

(4) The Investigative Tribunal shall post or deliver to the solicitor concerned a copy of each of the complaint and any statutory declaration in support of the complaint and invite him to submit, within a period of not less than 14 days, to the Tribunal any written explanation he may wish to offer and to inform the Tribunal if he wishes to be personally heard by the Tribunal.

(5) The Investigative Tribunal may, after receiving any written explanation from the