

Office Of The
Legal Services Commissioner

20 DEC 2012

By Hand.



OFFICE OF THE
LEGAL SERVICES
COMMISSIONER

COMPLAINT FORM

IMPORTANT

- We suggest that you try to resolve your complaint yourself before making a written complaint.
- Please phone one of our Inquiry Officers for information and advice about whether this complaint-handling procedure is appropriate to your complaint. (See the back page for contact details.)
- This office cannot provide legal advice or legal assistance, nor influence the outcome of court proceedings.
- If you do wish to make a written complaint, please read the enclosed brochure and then complete this form. If you have difficulty with this form, please contact us.
- Do NOT send original documents with your complaint. Please attach photocopies of any relevant material.
- Please sign the declaration on the last page before you submit this form.
- If you are complaining about more than one practitioner, please submit a separate complaint form about each of them. You may copy this form or ask us for another one. Please lodge all complaints at one time if possible.
- We will usually send a copy of your complaint to the practitioner during our inquiries. If this will be a problem for you, please indicate this on the complaint form and/or contact us.

1. Your details

Mr/Ms RALPH Given name: _____ Surname: DOUGHERTY

Address: _____ **REDACTED** _____

Postcode: **REDACTED**

Phone: (H) _____ **REDACTED** _____ (W) _____

(M) _____ Fax: _____

Main language spoken at home: English

Are you making this complaint on behalf of another person, such as a client or relative? Yes No

If yes, please tell us who you are making the complaint for, and why.

Complainant's name: _____

Address: _____

Postcode: _____

Reason: _____

2. Details of solicitor/barrister

Please try to identify the individual/s you are complaining about.

Practitioner's name: LUKE GEARY - T SALVOS LEGAL T
 Name of firm/chambers: The Salvos Army & Salvos Legal
 Address: (Humanitara) Ltd
140 Elizabeth St, Sydney Postcode: _____
 Phone: _____ Fax: _____

3. Before you lodge a formal complaint

Have you already tried to resolve this complaint? Yes No

If yes, how? Talking a correspondence

Please attach copies of any relevant correspondence.

4. In this matter, the legal practitioner named in question 2 (above) acted as:

- my solicitor my barrister lawyer for the other side
 other _____

5. The area of law that my original legal case relates to is:

- | | | |
|---|--|---|
| <input type="checkbox"/> commercial/corporations law | <input type="checkbox"/> conveyancing | <input type="checkbox"/> personal injuries |
| <input type="checkbox"/> probate/wills/family provisions | <input type="checkbox"/> criminal law | <input type="checkbox"/> workers compensation |
| <input type="checkbox"/> professional negligence (e.g. medical) | <input type="checkbox"/> industrial law | <input type="checkbox"/> victims compensation |
| <input type="checkbox"/> land and environment | <input type="checkbox"/> immigration | <input checked="" type="checkbox"/> civil |
| <input type="checkbox"/> leases/mortgages/franchises | <input type="checkbox"/> family/de facto law | <input type="checkbox"/> unsure |
| <input type="checkbox"/> other _____ | <input type="checkbox"/> strata | |

6. By making this complaint to the Legal Services Commissioner, I am hoping to:

- | | |
|---|--|
| <input type="checkbox"/> have my documents/files transferred | <input checked="" type="checkbox"/> improve my communication with the lawyer |
| <input checked="" type="checkbox"/> have the lawyer disciplined | <input type="checkbox"/> improve the service provided by the lawyer |
| <input type="checkbox"/> receive an apology | <input checked="" type="checkbox"/> resolve my dispute with the lawyer |
| <input type="checkbox"/> resolve my dispute about fees | <input type="checkbox"/> receive financial compensation |
| <input type="checkbox"/> other _____ | |

Note: In general, compensation can be awarded **only if:**

- the Commissioner or the Administrative Decisions Tribunal finds the lawyer guilty of unsatisfactory professional conduct or professional misconduct, **and**
- the lawyer's conduct has caused you loss, **and**
- you are **not** entitled to compensation from other sources, e.g. by taking private legal action.

You should seek independent legal advice about other possible actions you can take for compensation.

The maximum amount of compensation which can be awarded through this complaint-handling process is \$10,000 by the Commissioner and \$25,000 by the Tribunal. If you are claiming compensation, please set out details of the amount claimed and the reasons, in the space under 10 on the next page and supply any supporting documents which quantify your loss.

7. When did the conduct occur?

On going - 2010

If the conduct you are complaining about occurred more than three years ago, your complaint can only be accepted if the Legal Services Commissioner is satisfied that:

- it is just and fair to do so, considering the delay and the reason/s for it, or
- the complaint concerns an allegation of professional misconduct and it is in the public interest to deal with the complaint.

As a matter of fairness, the Commissioner will only accept a complaint about conduct that occurred more than three years ago after both the complainant and the practitioner have had an opportunity to make submissions about whether the complaint should be accepted.

8. If your complaint involved a court case, please give details.

Case name: _____ Case number: _____

Court name and courthouse location: _____

Dates of hearing: _____

9. Please list the main issues you are complaining about.

- a) *Rule 41.1; Rule 41.2 of the Professional Conduct &*
- b) *Practice Rules (b) Law Firm's stations & other public*
- c) *deception & misleading*

10. Please give details of the complaint/s listed in question 9.

Please tell us about:

- the events that have led to your complaint
- what you say the lawyer did or did not do
- the date or dates of the conduct you are complaining about.

If there is not enough space on this form, please attach another page/s.

Attach **copies** of relevant documents to support your complaint, and a list of these documents. Do not send original documents.

If there are witnesses who can provide direct **independent** evidence that will help us deal with your complaint, please provide their names and full contact details. Say why you think they could help.

attached documents

