



31 July 2012

PROFESSIONAL COMPLAINTS AGAINST MEMBERS

Complaints made under the *Legal Profession Act 2007* against barristers are infrequent, but when they occur they must be taken seriously.

Members are not always able to bring an independent and objective mind to bear when answering complaints.

Experience shows that the early involvement (before the initial letter of complaint is answered) of an independent legal adviser is advisable. There are numerous advantages in members retaining a solicitor promptly when a complaint is received. These include:

1. An independent and objective view of the circumstances the subject of the complaint at an early stage;
2. The Legal Services Commission is much more likely to speak informally to a member's solicitor, rather than directly to the member. This early informal discussion often leads to either a settlement of the dispute, or the narrowing of issues, or at least a better appreciation of what the real complaint is;
3. The emotional relief which comes from having the response to the complaint properly managed upon solid objective advice.

For a number of years, the Queensland Law Society has nominated a panel of solicitors who are prepared to advise their members when a complaint is received. The Law Society scheme also involves payment by the Society of fees to the solicitors for their first three hours of work.

The Bar Association has now established a similar scheme. The panel solicitors, in alphabetical orders, are:

1. Mr Richard Barnes, Rodgers Barnes & Green, Lawyers, Level 10, 300 Adelaide Street, Brisbane, Qld 4000. Telephone No: 3009 9300. Email: richard.barnes@rbglawyers.com.au
2. Mr Richard Cowen, Tucker & Cowen, Level 15, 15 Adelaide Street, Brisbane, Qld 4000. Telephone No: 3003 0000. Email: rcowen@tuckercowen.com.au

3. Mr Glen Cranny, Gilshenan & Luton Lawyers, Level 9, 15 Adelaide Street, Brisbane, Qld 4003. Telephone No: 3361 0222. Email: gcranny@gnl.com.au
4. Ms Rachel Drew, Holding Redlich, Level 1, 300 Queen Street, Brisbane, Qld 4000. Telephone No: 3135 0617. Email: rachel.drew@holdingredlich.com
5. Mr Rob Franklin, Potts Lawyers, 44 Davenport Street, Southport, Qld 4215. Telephone No: (07) 5532 3133.

Any member who receives a complaint may retain any one of these solicitors (or indeed anyone else). However, where a panel solicitor is retained, the Bar Association will pay the first three hours of the solicitor's fees.

In coming weeks, there will be a CPD seminar explaining the scheme and, importantly, why it is important for members to take advantage of it.

I strongly recommend that members take advantage of this new initiative.

ROGER N TRAVES SC

President