

From: Adele Jones
Sent: 20 April 2011 15:55
To: Consultations
Subject: Publishing Decisions

In response to your consultation paper:

The preferred approach

Stage 1

The immediate implementation of anonymous case studies is to be welcomed. It should be regarded by the profession as a learning tool. In particular the cases which are resolved informally will be of use as they will provide invaluable assistance to those looking for an approach to complaints handling.

The persistent issues of failing to keep a client updated/contacted and controlling clients' expectations should be emphasised.

Stage 2

This will be of particular use to the profession when looking at how to resolve complaints informally. It will also be of use to the public in tempering their expectations of award levels (particularly considering the publicity about award levels).

The summaries should be concise but contain enough information to make them useful tools. They could even take the form of bullet points rather than narrative.

Stage 3

Q1. Do you have any comments or suggestions about stage three of our approach?

- on balance it appears to be fair

Q2. What data do you think it would be most useful for us to track?

- particular types of complaint in relation to particular types of work eg costs may be a big issue in family cases but not PI where client contact may be the issue

Q3. Have we proposed to track the right criteria? Do you have any other suggestions for criteria that could be used to trigger publication?

- Trends for particular firms
- I would be wary of “numbers” – 3 complaints investigated (but found to be unjustified) may just be indicative of that type of firm eg family practice; may be a disproportionately high number in a very small firm or vice versa; etc
- This is of course consumer driven but care must be taken not to be disproportionately unfair to those firms doing work for individuals and those who only act for companies/large enterprises and so not subject to complaints to LeO

Q4. Once we have tracked our data, what do you think should be the basis of our eventual decision about whether we adopt a policy of identifying individual law firms?

- A balance of harm test must be applied. Is the damage to the firm outweighed by the interests of the public with regard to this particular matter
- It is hard to see how a blanket test could be applied – each proposed publication must be considered on its merits though certain cases could be automatic eg severe degree of service failure
- Name and praise firms that handle complaints exceptionally well and so show a high degree of client care. This will encourage firms to handle complaints better and remove any residual fear factor in firms admitting that they may have made a mistake
- Don't forget to identify trading names as well as registered names. It is the trading name that the public will recognise.

Q5. Do you have any comments about the timetable we have suggested?

- no it seems very fair

Yours faithfully,
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