



Legal Ombudsman

The Legal Ombudsman came into being on 6 October 2011 and replaced the Legal Services Ombudsman and also the Legal Complaints Service. The Legal Ombudsman has a much broader remit and can take complaints about legal executives, licensed conveyancers, barristers, patent attorneys, solicitors and notaries. His Office offers a one-stop shop for anyone seeking to make a complaint about a lawyer. The new scheme introduced not just a change of name but also a slightly different approach to complaints handling. It is an ombudsman scheme with a lay organisation taking a non-legal approach to investigation of complaints. If the resolution procedure does not settle the complaint then one of the team on the Ombudsman's staff will make a decision, which is legally binding on both sides. The ombudsman scheme certainly has teeth. It can order up to £30,000 redress and has powers to compel cooperation. The lawyer against whom a complaint is made can be required to pay a £400 fee for each valid complaint. This will be only be charged when the firm has had at least two complains in the previous 12 months (a deliberate attempt on the part of the legal ombudsman to soften the impact on smaller firms and sole practitioners such as notaries).

According to the Legal Ombudsman the biggest single reason for dissatisfaction with lawyers is cost. The proportion of cost complaints received by the Legal Ombudsman outstrips the proportion going to the Financial Services Ombudsman and the Surveyors Ombudsman. There is unpredictability of costs of legal services. Many consumers prefer fixed price for the legal service which is sometimes difficult to provide. However as notaries we should move towards a more predictable price model. Some notaries are wedded to an hourly rate pricing structure for no other reason than it is a structure they are used to when working as solicitors. The unpredictability of the price can create problems of trust and clarity that can lead to complaints.

There also exists a European Ombudsman which is a bit of a mystery as many lawyers are ignorant of this. In many cases the European Ombudsman refers complaints back to national ombudsman schemes that have the necessary competence. However where lawyers have complaints for European matters those

could be taken up by European Ombudsman. The European network of ombudsman consists of 92 offices in 32 European countries. This network was established in 1996. However in certain situations the European Ombudsman might just provide the perfect remedy for a client for whom there is no other solution.

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