

**BRIEF GUIDE TO MAKING A COMPLAINT UNDER
SECTION 75B OF THE LEGAL PROFESSION ACT
AGAINST A LAWYER FOR
INADEQUATE PROFESSIONAL SERVICE**

By
The Law Society of Singapore
August 2019

MAKING A COMPLAINT OF INADEQUATE PROFESSIONAL SERVICES AGAINST YOUR LAWYER

1. WHAT IS A COMPLAINT OF INADEQUATE PROFESSIONAL SERVICES

You can make a complaint of inadequate professional services under Section 75B of the Legal Profession Act (Chapter 161) ("the Act") if –

- (a) You are a client and are making a complaint against **your** lawyer; and
- (b) You believe your lawyer had failed to provide you with adequate professional service by not meeting one or more of the standards prescribed in the Legal Profession (Professional Conduct) Rules 1998. Adequate professional service is similar to good customer care.
- (c) Three (3) years has not passed since the conduct complained of occurred.
- (d) You have made attempts or an attempt to try and resolve the matter directly with your lawyer and have not been successful in doing so.

2. STANDARDS OF ADEQUATE PROFESSIONAL SERVICE

The standards can be described as follows:

- a) to provide diligent legal service to client;
- b) to ensure as a lawyer he is competent to represent his client;
- c) to complete work within a reasonable time;
- d) to keep the client informed on the progress of the case;
- e) to promptly acknowledging receipt of client's money or securities;
- f) to promptly providing statement of accounts to the client;
- g) to promptly respond to client's calls or keep appointments made with client;
- h) to explain to the client important developments in his case, such as offers of settlements;
- i) to explain to the client the manner in which he (the lawyer) would charge for services, explain to the client payments required to be made, provide an estimate of fees and deliver bills of costs to the client at regular intervals; and
- j) to discuss with the client the possible risks or expenses of proceedings arising from the case.

3. MANAGING A COMPLAINT OF INADEQUATE PROFESSIONAL SERVICES

Upon receiving the complaint and supporting documents, you will receive an acknowledgement from the Society. The Society will write to request for more information if required and will inform you of the date at which the Council will consider your complaint.

Your complaint will be referred to the Council of the Law Society of Singapore, which is the governing body of the Law Society. The Council may require further necessary information with your written complaint and will require that you support your complaint with a Statutory Declaration.

4. TO MAKE A COMPLAINT OF INADEQUATE PROFESSIONAL SERVICES

Your complaint letter should comprise the following [Refer to "Sample Letter" for example]:

- a) Caption your letter "Complaint under Section 75B of the Legal Profession Act".
- b) State your full name and address as stated in your NRIC/passport. If you are making a complaint on behalf of a Company, LLP or MCST, you must be the authorized representative of the entity. You must also furnish a Letter of Authority stating you are authorized to make the complaint on behalf of the entity. Attach a copy of your NRIC (front and back) or the bio-data page of your passport.
- c) State the name of the lawyer you are making the complaint against and the Singapore law practice where the lawyer works. Under the Act, you cannot make a complaint against a Singapore law practice, it must be against a lawyer. Please note that you cannot complain of a lawyer's conduct if the conduct occurred more than 3 years from the date of your complaint letter being received by the Society.
- d) Provide complete details of attempts you have made to try and resolve this matter directly with the lawyer. All efforts made by you should be recorded or documented and all replies from the lawyer should together be provided as part of your complaint letter.
- e) Identify the standard(s) of adequate professional service not met by your lawyer.
- f) For each standard identified describe how the lawyer failed to meet that standard when he had acted for you by describing in detail how you believe the lawyer had failed to provide you adequate professional service. Describe each standard's alleged failure as a heading and below that header provide the particulars requested in this paragraph.
- g) Provide copies of all necessary documents to support your complaint. Do not send originals.
- h) State the following at the end of your letter:-

"I/We, _____ (name of Complainant{s}) hereby declare and confirm that all the information that I/We have given above are true and accurate and I/We understand and accept that there may be serious legal consequences if the information provided is false.

I/We _____ (name of Complainant{s}) agree to provide a Statutory Declaration in support of the complaint as may be required by the Council of the Law Society"

- i) The complaint must be addressed to the "Director, Conduct Department" and sent to the Law Society together with the supporting documents either by mail or by hand to "The Law Society of Singapore, 28 Maxwell Road, #01-03 Maxwell Chambers Suites, Singapore 069120
(wef: 12 January 2017)
- j) The Law Society cannot accept verbal complaints or complaints via e-mail or correspond via email only on a complaint. The Society cannot provide advice on the merits or success of your complaint or provide legal advice before or after a complaint is made.
- k) You may write your letter in a language other than English however, where you do not have the means to pay for the cost of the translation, the Society will do the translation for you.

SAMPLE LETTER

10 June 20 XX

Director of the Conduct Department
Law Society of Singapore
28 Maxwell Road
#01-03 Maxwell Chambers Suites
Singapore 069120

Dear Sir / Madam,

MAKING A COMPLAINT AGAINST MR ABC OR MESSRS ABC & CO UNDER SECTION 75B OF THE LEGAL PROFESSION ACT

1. The following are my particulars:

Name:
NRIC No.
Address:
Contact No.

2. The lawyer I wish to make a complaint against:

Name:
Singapore law practice:

3. I have previously attempted to conduct the solicitor with a view to resolving the matter and the lawyer [please state your reasons for not being able to resolve this matter directly with the lawyer e.g. the lawyer has ignored my attempts to resolve the matter amicably with him/has discussed the matter with me but I am not agreeable to the terms he has suggested/is no longer contactable, etc ...]. Attached are the complete details of my attempts to resolve this matter directly with the lawyer and his response (please attach all correspondence from the lawyer in relation to this matter).

4. As my attempts to resolve the matter with the lawyer has not been successful, I am laying a complaint against the lawyer for:

- (a) Failure to provide diligent legal service
- (b) Failure to ensure as a lawyer he was competent to represent his client
- (c) Failure to complete work within a reasonable time, etc

5. Particulars of the complaint are as follows:

(a) Failure to provide diligent legal service

[Provide particulars specific to his alleged failure, e.g. – “on 20/01/12, during a meeting with the lawyer I instructed him to”

[Attach copies of the documents mentioned in your particulars, e.g. Warrant to Act, Order of Court, other documents prepared by lawyer, invoices, receipts, letters, faxes, emails, etc]

(b) Failure to ensure as a lawyer he was competent to represent his client

[Provide particulars specific to his alleged failure + copies of supporting documents]

(c) Failure to complete work within a reasonable time

[Provide particulars specific to his alleged failure + copies of supporting documents]

6. I/We, _____ (name of Complainant{s}) confirm that the conduct complained of did not occur more than 3 years from the date of this complaint letter.
7. I/We hereby declare and confirm that all the information that I/We have given above are true and accurate and I/We understand and accept that there may be serious legal consequences if the information provided is false.
8. I/We _____ (name of Complainant{s}) agree to provide a Statutory Declaration in support of the complaint as may be required by the Council of the Law Society"

Yours faithfully,

Signature(s)

[All complainants must sign the letter. Where the complaint is on behalf of a Company, LLP or MCST, the authorized Representative must sign. A Letter of Authority must be furnished together with this letter.]

(To be used for declarations by individual persons)

STATUTORY DECLARATION UNDER THE OATHS AND DECLARATIONS ACT (CAP 211)
in support of a complaint against an advocate and solicitor made under Section 75B of
the Legal Profession Act (Cap 161)

I, (Name) holder of NRIC/Passport number*and
residing at do solemnly and
sincerely declare as follows:-

- 1) all the statements made by me in my letter of complaint dated the day
of 20..... to the Council of the Law Society of Singapore (hereinafter
called "my Letter of Complaint") are true on every point material to the complaint and there are no
other particulars or additional information relevant to my complaint;
- 2) the conduct complained of in my Letter of Complaint did not occur more than three (3) years prior to
the date of my Letter of Complaint¹;
- 3) I have/have not* attempted to contact the solicitor complained of with a view to resolve the matter²;
- 4) to the best of my knowledge there has been no other complaint made to the Council of Law Society
of Singapore by me or any other person related or connected with me which arises from the same
set of facts and particulars detailed in my "my Letter of Complaint"; and
- 5) I have not commenced any other proceedings or sought any other remedy against the solicitor
named in my letter of complaint which arise same set of facts and particulars detailed in my letter of
complaint³.

I understand that any person who makes in a statutory declaration a statement which is false and which
he knows or has reason to believe is false or does not believe to be true touching any point material to
the object for which the statutory declaration is made or used, commits an offence under the Oaths and
Declarations Act (Cap 211) for which upon conviction a person may be liable to be imprisoned for a term
that may extend to 7 years and a fine.

¹ Schedule 2 of the Legal Profession Act (Cap161) Section 1(2): " The Council — (a) shall not take any of the directions pursuant to a
complaint of the conduct of the solicitor, if the complaint is made to the Society after the expiration of a period of 3 years from the date of the
conduct; and..."

² Schedule 2 of the Legal Profession Act (Cap161) Section 1(2) (3): " In determining in any case whether it is appropriate to take any of the
directions, the Council may(c) where the client has attempted to contact the solicitor with a view to resolving a matter, have regard to
whether the solicitor has responded to the client or attempted to resolve the matter."

³ Schedule 2 of the Legal Profession Act (Cap161) Section 1(2) (3): " In determining in any case whether it is appropriate to take any of the
directions, the Council may(a) have regard to the existence of any remedy which it is reasonable to expect to be available to the client
in civil proceedings;"

*** Choose one only and delete the item which is inapplicable**

(To be used for declarations by individual persons)

AND

I make this solemn declaration by virtue of the provisions of the Oaths and Declarations Act (Cap 211) and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at _____)

By _____)

This day _____ of _____ 20 _____) (signature)

Before me,

Commissioner for Oaths/Notary Public

(For use for declarations made on behalf of corporate bodies)

STATUTORY DECLARATION UNDER THE OATHS AND DECLARATIONS ACT (CAP 211)
in support of a complaint against an advocate and solicitor made under Section 75B of
the Legal Profession Act (Cap 161)

I, (Name) holder of NRIC/Passport number*and
residing at do solemnly and
sincerely declare as follows:-

1. I am duly authorized by _____ (Principal) to make the
complaint dated the ___ day of _____ 20__ to the Council of the Law Society
(hereinafter called "the Letter of Complaint");
2. the facts stated in the Letter of Complaint signed by me on behalf _____
(Principal) are within my personal knowledge or derived from documents placed before me and are
true on every point material to the complaint and there are no other particulars or additional
information relevant to the complaint;
3. all the statements made by me in the Letter of Complaint are true on every point material to the
complaint and there are no other particulars or additional information relevant to my complaint;
4. the conduct complained of in the Letter of Complaint did not occur more than three (3) years prior to
the date of the Letter of Complaint¹;
5. I have/have not* attempted to contact the solicitor complained of with a view to resolve the matter²;
6. to the best of my knowledge there has been no other complaint made to the Council of Law Society
of Singapore by me or any other person related or connected with me which arises from the same
set of facts and particulars detailed in my "my Letter of Complaint"; and
7. I have not commenced any other proceedings or sought any other remedy against the solicitor
named in my letter of complaint which arise same set of facts and particulars detailed in my letter of
complaint³.

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directions, the Council may(c) where the client has attempted to contact the solicitor with a view to resolving a matter, have regard to
whether the solicitor has responded to the client or attempted to resolve the matter."

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directions, the Council may(a) have regard to the existence of any remedy which it is reasonable to expect to be available to the client
in civil proceedings;"

* Choose one only and delete the item which is inapplicable

(For use for declarations made on behalf of corporate bodies)

I understand that any person who makes in a statutory declaration a statement which is false and which he knows or has reason to believe is false or does not believe to be true touching any point material to the object for which the statutory declaration is made or used, commits an offence under the Oaths and Declarations Act (Cap 211) for which upon conviction a person may be liable to be imprisoned for a term that may extend to 7 years and a fine.

AND

I make this solemn declaration by virtue of the provisions of the Oaths and Declarations Act (Cap 211) and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at _____)

By _____)

This day _____ of _____ 20 _____) (signature)

Before me,

Commissioner for Oaths/Notary Public