



Psychiatric Patient Advocate Office

INFOGUIDE

January 2009

Do You Have a Complaint about Your Lawyer or Your Lawyer's Bill?

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****Please note that the following information comes from the
Law Society of Upper Canada and Legal Aid Ontario****

What can I do if I have a complaint about my lawyer?

- If you have a complaint about your lawyer, there are a number of things you can do depending on the nature of your complaint. The types of complaints and the processes you can use to resolve the problem are outlined below under two main categories:
 1. Complaints about a lawyer's behaviour or quality of work; and
 2. Complaints about your bill.
- If you chose the lawyer from the Legal Aid Ontario list provided to you by your PPAO Rights Adviser or Patient Advocate, please also let us know if you have concerns. You can tell your local office or call our Central Office at 416-327-7000 or 1-800-578-2343.

Complaints about a Lawyer's Behaviour or Quality of Work

What do I do to complain about my lawyer?

- Before taking any other steps, you may want to talk to your lawyer. Your lawyer may not know that you have concerns or there may be a misunderstanding about expectations. You may also wish to put your

concerns in writing if you are having difficulty obtaining an answer from your lawyer.

- If you cannot resolve the matter with your lawyer, you may complain to two different organizations:
 1. *The Law Society of Upper Canada* – the Law Society of Upper Canada regulates all lawyers in Ontario and will deal with complaints regarding both behaviour and billing.
 2. *Legal Aid Ontario* – Legal Aid will only review your complaint if you have a legal aid certificate for your lawyer's services.

What happens if I go to the Law Society?

- The Law Society has rules in place that lawyers must follow. The rules relate to how your lawyer must behave towards you and how they do their work. Either type of complaint can go to the Law Society. You should start a complaint as soon as possible after the incident occurs to permit timely investigation.
- The Law Society receives and responds to written complaints about lawyers. Here is the contact information for the Law Society:

Complaints Services
The Law Society of Upper Canada
Osgoode Hall, 130 Queen Street West
Toronto, ON M5H 2N6

General Line: 416-947-3310
Toll-free: 1-200-268-7568
Fax: 416-947-5263
Website: www.lsuc.on.ca/public/a/complaints/

- Make sure you provide information so the Law Society can contact you.
- The Law Society reviews and assesses every complaint they receive. Where possible, they try to help the complainant and the licensee deal with the concerns. When necessary, the Law Society will investigate the complaint and, if appropriate, take disciplinary action. Most complaints are resolved without a formal discipline hearing.
- If your matter is closed by Complaints Resolution Investigations, you can have that decision reviewed by an independent commissioner.
- If the matter goes to a Tribunal, the Tribunal can order a number of resolutions including dismissing the complaint or disciplining your lawyer.

What happens if I go to Legal Aid?

- Legal Aid now has a process to investigate lawyers who accept legal aid certificates. They will look into any concern that you have regarding the lawyer's service.
- Again, you should try to talk to your lawyer before starting a more formal process to try to resolve any problems.
- If you would like to start a complaint, you should do so in writing. Legal Aid has forms that you can use or you can write your own letter. Your Patient Advocate can assist you. You should start the complaint as soon as possible after the incident.
- You can contact Legal Aid at:
 - Complaints Department
Legal Aid Ontario.
 - Suite 200 – 40 Dundas St. West
Toronto Ontario, M5G 2H1
 - Phone: (416) 204 7104
Toll Free: 1-800-668-8258
Fax: (416) 204-4718
E-mail: complaints@lao.on.ca
 - Website: www.legalaid.on.ca/en/getting/complaints.asp
- Legal Aid will investigate your complaint and, if they find that there is a concern that affects their services, they may ask the lawyer to take a number of steps, including take further education. If the matter is very significant, Legal Aid may consider removing the lawyer from their panel for a period of time.
- If you have an on-going matter where you need legal assistance, Legal Aid can assist you in having your certificate transferred to another lawyer.
- You can also complain to Legal Aid about a lawyer's services more generally.

How do I decide which complaint process to pursue?

- You may decide to complain to the Law Society, Legal Aid or both. Generally, you cannot complain to Legal Aid if you are privately paying for your lawyer (unless you chose the lawyer from the Legal Aid panel list).

Complaints about Bills

My lawyer has charged me too much or has charged me for work they didn't do. What can I do?

- Before you start a formal complaint about your lawyer's bill you will want to take a number of preliminary steps:
 - First, you should request a detailed billing – the detailed bill will show you how each cost is broken down and will help you to identify problem areas. If you don't receive this bill, you can contact the Law Society to assist you.
 - You may also want to speak to your lawyer to find out why the costs were different from what you expected. They may agree to reduce the costs.
- There is a special process to complain about your lawyer's bill through the "Assessment Office" of the Superior Court of Justice. The contact information for the Court is attached as the last page of this InfoGuide.

Is there a time limit to complain?

- Yes, you must apply to assess the bill within one month of the time you received the bill from your lawyer.
- If you are late in requesting the assessment, you can ask a Judge for permission to continue. If you were ill or otherwise prevented from going ahead right away, you should explain this to the Judge.

What happens if I get the bill assessed?

- First you get a date for the assessment from the court. To get an appointment, take the original and two copies of the bill. You have to pay a fee to the court. The court clerk will then give you a date for the assessment and a "Notice of Appointment".
- Once you receive the "Notice of Appointment" you have to give a copy to your lawyer. You can give them to your lawyer in person or you can send them by registered mail. If you drop them off, ask someone in your lawyer's office to sign and date them. If no one will, you will need to complete an "Affidavit of Service" which proves that you served the documents.
- You may have a lawyer or you may represent yourself at an Assessment hearing. The hearings are informal. The Assessment Officer will consider many things including the agreement you had about fees, the time spent, the level of expertise, the importance of the matter to you, the amount of money involved, the success or lack of success and the amount you have already paid.

If I am Incapable to manage my finances, can I still assess the bill?

- No. But the person who manages your finances can assess your bill.

Can I just not pay the bill?

- If you do not pay the bill your lawyer can take you to court and get a judgement against you. At that point, it may be more difficult to argue that the cost was too high as you will be defending a court process. It may also create more costs as you may have to get a lawyer to help you.

Questions?

If you have more questions, contact your local Patient Advocate Office or call our central office at 416-327-7000 or toll-free at 1-800-578-2343.

Court Addresses:**Brockville**

Superior Court of Justice
41 Court House Square
Brockville, ON K6V 7N3
(613) 345-5895

Hamilton

The John Sopinka Court House
45 Main Street East, Suite 518B
Hamilton, ON L8N 2B7
(905) 645-5252

Kingston

Frontenac County Courthouse
5 Court Street
Kingston, ON K7L 2N4
(613) 548-6811

London

Superior Court of Justice
150 Dufferin Avenue, Suite 806
London, ON N6A 5N6
(519) 660-3090

North Bay

Courthouse
360 Plouffe Street
North Bay, ON P1B 9L5
(705) 495-8309

St. Thomas

Justice Building
145 Curtis Street
P.O. Box 310 Station Main
St. Thomas, ON N5P 3T9
(519) 633-1720

Thunder Bay

277 Camelot Street
Thunder Bay, ON P7A 4B3
(807) 343-2700

Toronto

Superior Court of Justice
393 University Avenue, 10th Floor
Toronto, ON M5G 1E6
(416) 327-5440

Whitby

Superior Court of Justice
Whitby Courthouse
601 Rossland Road East
Whitby, ON L1N 9G7
(905) 430-5800

Windsor

Courthouse
245 Windsor Avenue
Windsor, ON N9A 1J2
(519) 973-6620