

## COLLAS CRILL COMPLAINTS PROCEDURE

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If you require this document, or any other communication from us, in a different format please let us know.

Our aim is to give you a good service at all times. However, if you have a complaint about some aspect of the service that you receive you should let us know as soon as possible. Collas Crill is fully committed to ensuring that all users of our complaints procedures are treated fairly, with respect and without discrimination based on race, gender, sexual orientation, disability, age, religion or belief.

### **2 INTRODUCTION**

- 2.1 The General Legal Council in the BVI, the Law Society in Jersey, The Guernsey Bar, The Cayman Island Monetary Authority and the Cayman Bar are the official regulators for legal professionals in their respective jurisdictions.
- 2.2 The General Legal Council (in the BVI), The Law Society of Jersey, The Guernsey Bar, and the Cayman Island Monetary Authority and the Cayman Bar usually request lawyers to investigate any complaints before they get involved. This is because many complaints can be dealt with successfully by good communication between lawyer and client at the outset of a problem.

### **3 TIME LIMIT FOR MAKING COMPLAINTS**

- 3.1 It is important that you let us have your complaint as soon as possible after the date of the event you want to complain about. This is so that we can investigate your complaint promptly and in the interests of fairness to all those concerned. To investigate your complaint you must fill in the Complaint Form which will be supplied to you upon request or which you can access on our website. If you have difficulty or require assistance in completing this form then you should inform us of this. If we do not receive your complaint within 6 months of the matter you want to complain about, we may decide that we can no longer deal with it. In deciding whether to deal with a complaint which is more than 6 months old, we will bear in mind:
- 3.1.1 the seriousness of the complaint; and
  - 3.1.2 any exceptional circumstances which justify investigation of it in the light of the fact that it is more than 6 months old.

### **4 TYPES OF COMPLAINT THAT WE CAN INVESTIGATE**

- 4.1 Professional misconduct is when a legal practitioner has broken the rules set out in the respective Law Society of Jersey Code of Conduct, the Rules of Professional Conduct of the Guernsey Advocate and any laws, rules or regulations (including any amendments that have been made to such laws, rules and regulations) which govern all locally qualified lawyers in the BVI, Cayman, Guernsey and Jersey ("Rules").

- 4.2 The Rules specify the standards of conduct on the part of Jersey and Guernsey qualified lawyers which are appropriate. The Law Society of Jersey's Code of Conduct is published by the Law Society of Jersey at [www.jerseylawsociety.je](http://www.jerseylawsociety.je). The Rules of Professional Conduct of the Guernsey Advocate are published at <http://www.guernseybar.com/>. The Cayman Bar Code of Conduct can be found at <http://www.caymanbar.org.ky/wp-content/uploads/Code-of-Conduct-1.pdf>. The BVI code can be found in Schedule 4 of the Legal Professions Act, 2015 (a copy is available upon request).
- 4.3 In Jersey, breach of the Code of Conduct is a disciplinary offence and complaints are referred to the President of the Law Society to investigate whether a disciplinary offence capable of punishment has been committed. If the President of the Law Society is satisfied that there are sufficient grounds for considering the complaint he will refer the papers to a Law Society Disciplinary Committee.
- 4.4 In Guernsey under the Guernsey Bar (Bailiwick of Guernsey) Law 2007, the Chambre of Discipline shall hear any complaint concerning a member of the Guernsey Bar in respect of professional misconduct.
- 4.5 In Cayman, pursuant to the Legal Practitioners Law (2012 Revision), a complaint against a Cayman Islands attorney-at-law should be made to the Chief Justice and a copy sent to the Attorney General. The Chief Justice has powers to suspend an attorney from practising for a specified period or to strike them from the Court Roll entirely. The penalty of striking from the Court Roll is reserved for matters of gross misconduct.
- 4.6 In BVI, pursuant to the Legal Professions Act, 2015 a complaint against a BVI legal practitioner should be made to the Disciplinary Tribunal.
- 4.7 Inadequate professional service is when our services have fallen significantly below the standard you are entitled to expect. We will always investigate complaints about the service provided to you by one of our lawyers.
- 4.8 Sometimes a complaint covers both professional misconduct and inadequate professional service, but, provided you tell us what your complaint is about, you will not need to specify which of these two types your complaint is. We will then decide whether we can investigate all aspects of your complaint.
- 5 TYPES OF COMPLAINT WE CANNOT INVESTIGATE**
- 5.1 There are certain types of complaint which we cannot investigate, and there are others where our powers of investigation are limited.
- 5.2 For example, we may not be able to investigate your complaint as you might wish if it is a matter to be decided by the courts in any relevant jurisdiction. Professional negligence complaints, for example, are often complex and cannot be easily determined without detailed evidence being given. For example facts may be disputed between client and lawyer, or expert evidence is required.
- 6 MAKING YOUR COMPLAINT**
- 6.1 Please note the following when making your complaint:

6.1.1 Complaints should initially be made to the partner or director responsible for the matter in question. If the issue is not resolved to your satisfaction, you may raise your concern with the head of department acting for you, who will cause the matter to be thoroughly investigated. We would prefer to resolve the issues face to face. However should you still remain dissatisfied with any part of our service to you, you should register your complaint with one of the Managing Partners of Collas Crill. We have a Managing Partner in each respective jurisdiction, with the exception of Jersey, where a complaint should be referred to the Group Managing Partner if it cannot be resolved. All references to "Managing Partner" below refer to the Group Managing Partner if the matter is in Jersey.

6.1.2 Any complaint directed to a Managing Partner should be made in writing and the required form completed.

6.2 Our preferred choice is to receive the complaint to the respective Managing Partner in writing so as to maintain an audit trail. If you wish to pursue your complaint please address your letter to:

**For Jersey law complaints**

The Managing Partner  
Collas Crill  
Gaspé House  
66-72 Esplanade  
St Helier  
Jersey JE1 4XD

**For Guernsey law and English law complaints**

The Managing Partner  
Collas Crill  
Gategny Court PO Box 140  
Gategny Esplanade  
Guernsey GY 14EW

**For Cayman law complaints**

The Managing Partner  
Collas Crill  
Floor 2, Willow House  
Cricket Square, PO Box 709  
Grand Cayman KY1-1107  
Cayman Islands

**For BVI law complaints**

The Managing Partner  
Collas Crill  
125 Main Street  
PO Box 2441

Road Town  
Tortola  
British Virgin Islands

Your envelope should be marked "Complaint" and include a copy of the completed Complaints Form.

- 6.3 We will acknowledge receipt of your complaint within two working days of receipt.
- 6.4 When using the Complaints Form please ensure that you use the space provided to explain as clearly and precisely as you can the nature of your complaint. This should be returned to us within 7 days of the date which it was sent to you.
- 6.5 By making a written complaint to Collas Crill you are agreeing to the investigation of your complaint in accordance with the procedures and terms set out below.

## **7 INVESTIGATION PROCEDURE**

- 7.1 Once your complaint is received, the respective the Managing Partner (provided he/she is not be the person you are complaining about) will write to you within 5 working days after receipt of your Complaint Form to let you know that he or she has been notified of the complaint.
- 7.2 The respective Managing Partner will carry out an investigation of your complaint and will report on your complaint within 30 working days of Collas Crill having received your Complaint Form. If the investigation is delayed, the respective Managing Partner will set a new date for completion of the investigation and will inform you of that date. In these circumstances you should receive a considered response within a maximum of 40 working days from receipt of your Complaint Form.
- 7.3 The respective Managing Partner will set out:
- 7.3.1 the nature and scope of the investigation;
  - 7.3.2 the conclusion that the respective Senior Partner had reached on each matter of complaint and the reason for that conclusion; and
  - 7.3.3 if your complaint has been found to be justified, proposals for resolving it.
- 7.4 During the Course of the investigation, the respective Managing Partner may need to disclose the fact of your complaint, and the details of it to:
- 7.4.1 the person or persons about whom you have complained;
  - 7.4.2 those whom he feels can assist him in any investigation of the relevant facts to your complaint;
  - 7.4.3 our professional indemnity insurers of Collas Crill;

- 7.4.4 The Law Society of Jersey;
- 7.4.5 The Guernsey Bar;
- 7.4.6 The Cayman Bar;
- 7.4.7 The Cayman Monetary Authority; and/or
- 7.4.8 The General Legal Council in the BVI.

- 7.5 The respective Managing Partner will not however disclose the fact of your complaint or details of it to anyone outside the law firm unless he decides that it is necessary to do so in the interests of a full and fair investigation or if he otherwise feels obliged to do so.
- 7.6 The respective Managing Partner's report will be sent to you, and to the partner in charge of the complaint, and to the person you complained about.
- 7.7 All persons to whom your complaint is disclosed pursuant to the above will be required to keep the fact of your complaint and the details of it, and all conversations and documents relating to it, confidential.

## **8 COMPLAINTS TO THE LAW SOCIETY OF JERSEY**

- 8.1 If you are unhappy with the outcome of our investigation you may take your complaint to the Law Society of Jersey. As stated above the Law Society of Jersey does not usually consider your complaint until it has first been investigated by the law firm in question.
- 8.2 If the Law Society of Jersey feels that your complaint is very serious, it can refer the complaint to the Attorney General.
- 8.3 Complaints to the Law Society should be written to the Secretary of the Jersey Law Society at the following address:

### **Jersey Law Society**

P.O. Box 493

St Helier

Jersey

JE4 5SZ

T: +44 (0)1534 613920

W: [www.jerseylawsociety.je](http://www.jerseylawsociety.je)

## **9 COMPLAINTS TO THE GUERNSEY BAR**

- 9.1 If you are unhappy with the outcome of our investigation you may take your complaint to the Guernsey Bar. As stated above the Guernsey Bar does not usually consider your complaint until it has first been investigated by the law firm in question.

- 9.2 If the Guernsey Bar feels that your complaint is very serious, it can refer the complaint to the Chambre de Discipline.
- 9.3 Complaints to the Guernsey Bar should be written to the Bâtonnier of the Guernsey Bar at the following address:

**Bâtonnier**

Advocate Simon Davies  
Ogier (Guernsey) LLP  
Redwood House  
St Julian's Avenue  
St Peter Port  
Guernsey  
GY1 1WA

## 10 COMPLAINTS TO THE CAYMAN BAR ASSOCIATION

- 10.1 Pursuant to the Legal Practitioners Law (2012 Revision), a complaint against a Cayman Islands attorney-at-law should be made to the Chief Justice with a copy of such complaint sent to the Attorney General.
- 10.2 The Chief Justice will make an assessment regarding the gravity of the complaint and will decide what action should be taken.
- 10.3 The attorney who is the subject of any complaint must be given notice of the complaint and an opportunity to call witnesses and to be heard.

## 11 COMPLAINTS TO THE GENERAL LEGAL COUNCIL

Pursuant to Schedule 6 of the Legal Profession Act, 2015 any disciplinary hearing will be held by the Disciplinary Tribunal in accordance with the Legal Profession (Disciplinary Proceedings) Rules, 2015. (A copy is available upon request).

## 12 COMPLAINTS GOVERNING OUR UK PROPERTY LAW SERVICE

If you are dissatisfied with the handling of a matter by the UK Property Service Team you may also have recourse to the Solicitors Regulation Authority.

### FOR MORE INFORMATION, PLEASE CONTACT:

**Collas Crill BVI** // 125 Main Street, P.O. Box 144, Road Town, Tortola, British Virgin Islands

T: +1 284 494 2717 F: +1 284 494 4834 E: [bvi@collascrill.com](mailto:bvi@collascrill.com)

**Collas Crill Cayman** // Floor 2, Willow House, Cricket Square, PO Box 709, Grand Cayman KY1-1107, Cayman Islands

T: +1 345 949 4544 F: +1 345 949 8460 E: [cayman@collascrill.com](mailto:cayman@collascrill.com)

**Collas Crill Guernsey** // Gategny Court, PO Box 140, Gategny Esplanade, St Peter Port, Guernsey, GY1 4EW

T: +44 (0) 1481 723191 F: +44 (0) 1481 711880 E: [guernsey@collascrill.com](mailto:guernsey@collascrill.com)

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**Collas Crill (UK) Limited** // 288 Bishopsgate, London, EC2M 4QP

T: +44 (0) 203 008 7220 E: [london@collascrill.com](mailto:london@collascrill.com)