

# Overview of complaints data for the 2022 financial year

This document provides a summary of the types of complaints made about lawyers received between 1 July 2021 through 30 June 2022, and the outcomes of complaints closed during the same time period.

For further details on complaints against Victorian lawyers, [see our 2022 annual report](#).

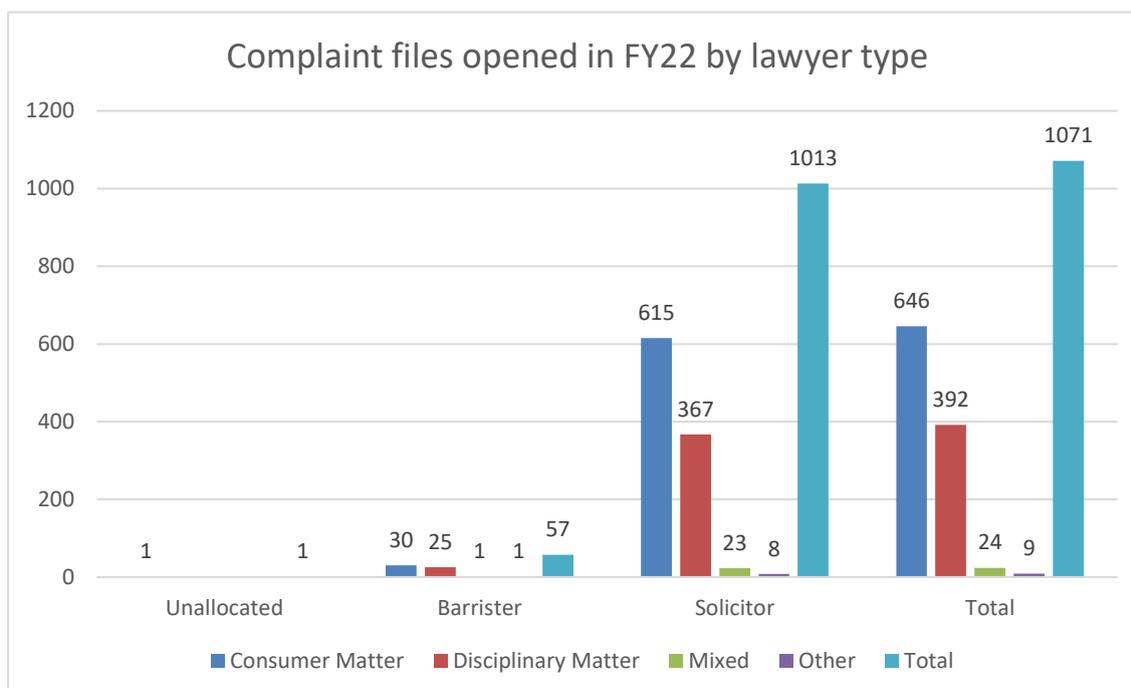
## Enquiries received

We received 4114 enquiries in FY22. This was slightly higher than the 4,022 received in FY21.

## New complaints received in FY22

### Complaint files opened

We opened a total of 1,071 complaint files during the year. The majority were complaints about solicitors, as they have a much greater degree of contact with clients.



Note: Files marked 'Unallocated' and 'Other' were newly received and had yet to be fully classified within our system.

## Areas of law featured in new complaints

As with previous years, the area of family and defacto law receives the largest number of complaints, with wills/Power of Attorney and conveyancing also receiving high numbers.

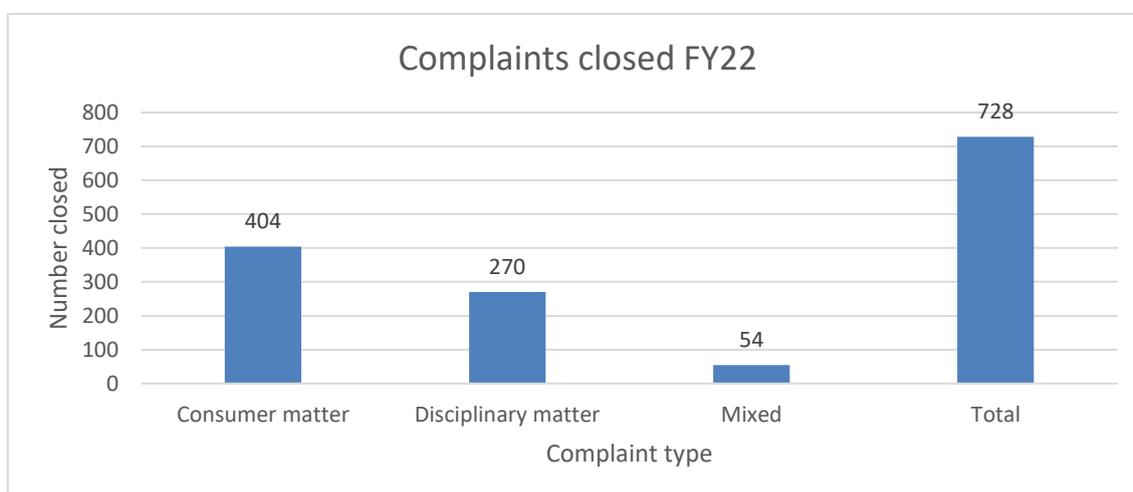
Area of Law	Number of complaints received
Family/defacto	309
Other civil	191
Wills/Power of Attorney	101
Conveyancing	89
Criminal	72
Commercial/corporations/franchise	67
Personal injuries	55
Probate/family provisions	53
Leases/mortgages	32
Building law	29
Employment law	23
Immigration	13
Workers compensation	13
Land and environment	6
Unallocated	5
Strata bodies/corporates	4
Trust account breaches	4
Insolvency	3
Professional negligence	1
Victims compensation	1
<b>Total</b>	<b>1,071</b>

## Allegations made in complaints

Issue Description	Number
Costs/Bills - overcharging	392
Negligence - including bad case handling	190
Other disciplinary issues	97
Dishonest/Misleading	85
Instructions - including failure to comply	65
Duress/Pressure/Bullying/Harassment	48
Breach of Act, Rules, court order or undertaking	47
Conflict of interest	42
Defective cost disclosure communications	41
Abusive/Rude	35
Trust money - including failure to account, mismanagement of funds	34
Delays	29
Documents/Trust Property - including retention and lost	27
Communication with other party	22
Communication with client - including failure to return calls, give progress reports	19
Improper personal conduct	19
Gross overcharging	18
Confidentiality breach	16
Debts - including practitioner's failure to pay	8
Advertising	1
<b>Total</b>	<b>1235</b>

## Complaints closed in FY22

We closed a total of 728 complaints during the year.



### Complaints with only a consumer matter closed

Complaint Outcome	Cases
Informal resolution successful	130
Closure s277(1)(a)- vexatious, misconceived, frivolous or lacking in substance	61
Withdrawn - Consumer matter	37
Not resolved - Rights given - Over \$10,000 s293(2)(b)(i)	35
No closure code allocated	27
Closure s277(1)(i) - complaint is not one we have the power to deal with	25
Closure s277(1)(c) - complainant has not responded, or has responded inadequately to a request for further information	20
Closure s277(1)(b) - complaint made out of time	18
Preliminary Assessment - resolved	15
Parties self resolve	10
Closure s277(1)(g) - client is sued. No jurisdiction over consumer matter	5
Resolved - Mediation s288(3)	4
Closure s277(1)(j) - it is otherwise in the public interest to close the complaint	4
Not resolved - Rights given - Under \$10,000 s293(2)(b)(ii)	3
Close - no determination	3
Closure s277(1)(d) - matter was already investigated	2
Preliminary Assessment - withdrawn	1
Closure s291(2) - no jurisdiction > \$100,000	1
Close - Mediation fails - no determination s290	1
Binding Costs Determination - s292	1
Abeyance ongoing proceedings/investigation	1
<b>Total</b>	<b>404</b>

## Complaints with only a disciplinary matter closed

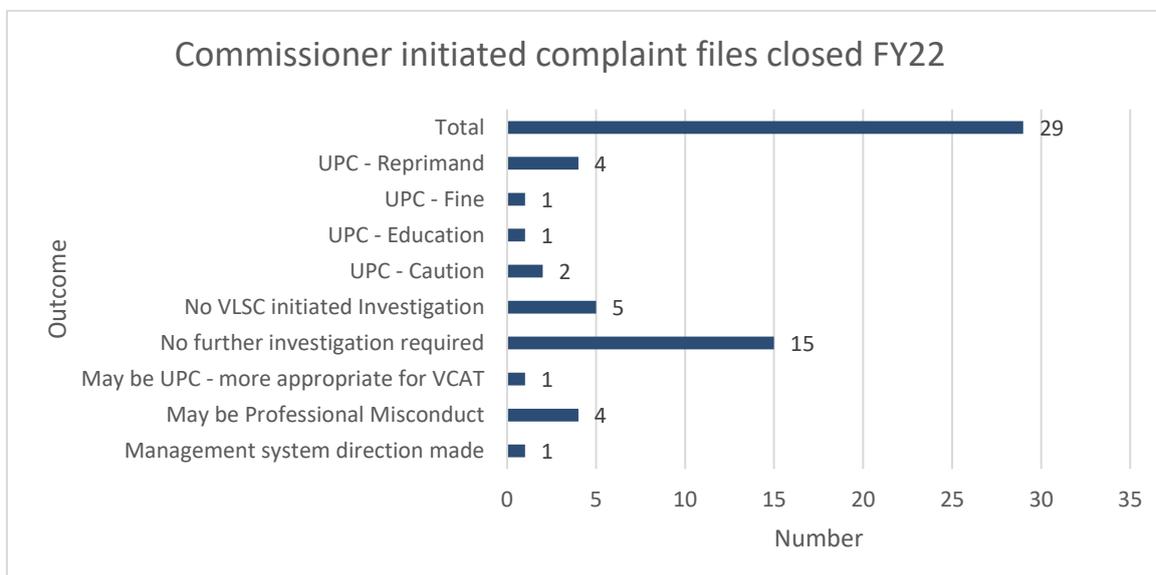
Complaint Outcome	Cases
Closure s277(1)(h) - complaint cannot result in a disciplinary outcome and requires no further investigation	107
Closure s277(1)(a) - vexatious, misconceived, frivolous or lacking in substance	38
Closure s277(1)(c) - complainant has not responded, or has responded inadequately to a request for further information	23
Withdrawn - Disciplinary	14
May be Professional Misconduct - initiate VCAT prosecution s300	12
UPC Determination - Reprimand s299(1)(b)	12
Vexatious s277(1)(a)	10
Closure s277(1)(j) - it is otherwise in the public interest to close the complaint	9
Closure s277(1)(i) - complaint is not one we have the power to deal with	8
UPC Determination - Caution s299(1)(a)	8
Abeyance ongoing proceedings/investigation	6
Closure s277(1)(b) - complaint made out of time	5
Decline to commence VLSC initiated investigation s266(2)	5
Closure s277(1)(d) - matter was already investigated	3
No closure date allocated	3
Closure s277(1)(e) - the complaint is better investigated or dealt with by police or another investigatory or law enforcement body	2
Preliminary Assessment - withdrawn	2
Management system direction made	1
Preliminary Assessment - resolved	1
UPC Determination - Education s299(1)(e)	1
<b>Total</b>	<b>270</b>

## Complaints with a mix of consumer and disciplinary matter closed

Complaint Outcome	Cases
CM: Not resolved - Rights given - Over \$10,000 s293(2)(b)(i) > DM: Closure s277(1)(h)	5
CM: Closure s277(1)(a) > DM: Closure s277(1)(h)	4
CM: Closure s277(1)(i) > DM: Closure s277(1)(h)	3
CM: Not resolved - Rights given - Under \$10,000 s293(2)(b)(ii) > DM: Closure s277(1)(h)	3
CM: Closure s277(1)(a) > DM: May be Prof. Misconduct - initiate VCAT prosecution s300	2
CM: Closure s277(1)(b) > DM: Closure s277(1)(a)	2
CM: Informal resolution successful > DM: Closure s277(1)(h)	2
CM: Not resolved - Rights given - Over \$10,000 s293(2)(b)(i) > DM: Closure s277(1)(a)	2
CM: Preliminary Assessment - resolved > DM: Closure s277(1)(h)	2
CM: Withdrawn - Consumer matter > DM: Withdrawn - Disciplinary	2
CM: Abeyance ongoing proceedings/investigation > DM: Abeyance ongoing proceedings/investigation	1
CM: Abeyance ongoing proceedings/investigation > DM: May be Prof. Misconduct - initiate VCAT	1
CM: Close - no determination > DM: Closure s277(1)(a)	1
CM: Close - no determination > DM: Closure s277(1)(h)	1
CM: Close - no determination > DM: Withdrawn - Disciplinary	1
CM: Closure s277(1)(a) > DM: UPC Determination - Education s299(1)(e)	1
CM: Closure s277(1)(b) > DM: Closure s277(1)(h)	1
CM: Closure s277(1)(c) > DM: Closure s277(1)(h)	1
CM: Closure s277(1)(c) > DM: Closure s277(1)(j)	1
CM: Closure s277(1)(g) > DM: Closure s277(1)(a)	1
CM: Closure s277(1)(i) > DM: Closure s277(1)(a)	1
CM: Closure s277(1)(i) > DM: Closure s277(1)(c)	1
CM: Closure s277(1)(j) > DM: Closure s277(1)(j)	1
CM: Determination - Compensation Order - s308(2) > DM: Closure s277(1)(h)	1
CM: Determination - Compensation Order - s308(3) > DM: May be Prof. Misconduct - initiate VCAT	1
CM: Informally resolved > DM: Closure s277(1)(c)	1
CM: Informally resolved > DM: Closure s277(1)(j)	1
CM: Informally resolved > DM: May be Prof. Misconduct - initiate VCAT prosecution	1
CM: Informally resolved > DM: UPC Determination - Caution s299(1)(a)	1
CM: Informally resolved > DM: UPC Determination - Reprimand s299(1)(b)	1
CM: Informally resolved > DM: Withdrawn - Disciplinary	1
CM: Not resolved - Rights given - Over \$10,000 s293(2)(b)(i) > DM: Decline to commence VLSC initiate	1
CM: Not resolved - Rights given - Over \$10,000 s293(2)(b)(i) > DM: UPC Determination - Caution s299(1)(a)	1
CM: Not resolved - Rights given - Over \$10,000 s293(2)(b)(i) > DM: UPC Determination - Reprimand s299(1)(b)	1
CM: Parties self resolve > DM: Closure s277(1)(h)	1
CM: Parties self resolve > DM: UPC Determination - Caution s299(1)(a)	1
CM: Parties self resolve > DM: Withdrawn - Disciplinary	1
<b>Total</b>	<b>54</b>

## Complaints with only a disciplinary matter closed

A total of 29 Commissioner initiated complaints were closed in 2022.



## Time taken to close files

Complaint type	Age	No. complaints
Consumer Matter	No date listed	1
	0-30 Days	47
	31-60 Days	24
	61-90 Days	19
	91-120 Days	29
	>120 Days	284
	<b>Total</b>	<b>404</b>
Disciplinary Matter	0-30 Days	2
	31-60 Days	5
	61-90 Days	10
	91-120 Days	16
	>120 Days	237
	<b>Total</b>	<b>270</b>
Mixed	0-30 Days	1
	31-60 Days	
	61-90 Days	1
	91-120 Days	2
	>120 Days	50
	<b>Total</b>	<b>54</b>
<b>Total</b>		<b>728</b>

## Complaints outstanding as at 30 June 2022

Complaint type	Age	No. complaints
Consumer Matter	0-30 Days	25
	31-60 Days	46
	61-90 Days	42
	91-120 Days	49
	>120 Days	291
	<b>Total</b>	<b>453</b>
Disciplinary Matter	0-30 Days	20
	31-60 Days	35
	61-90 Days	35
	91-120 Days	26
	<b>Total</b>	<b>444</b>
Mixed	>120 Days	328
	31-60 Days	1
	61-90 Days	2
	91-120 Days	0
	>120 Days	61
<b>Total</b>	<b>64</b>	
<b>Total</b>		<b>961</b>