

Private and Confidential

APPENDIX 1

04 October 2023

Our Ref: 23/9389

Your Ref:

Please quote the reference above in all correspondence to this office and refrain from using staples as all documents received are scanned.

Re: Complainant Name:

Practitioner Name: Leo Fay

I refer to the above complaint.

2

I enclose a copy of correspondence from Mr Fay dated 26 September 2023. If you have any comments you wish to make, I would be obliged to have these within the next 21 days.

I thank you for your assistance and await hearing from you.

Yours sincerely,

Shannon Hallissey

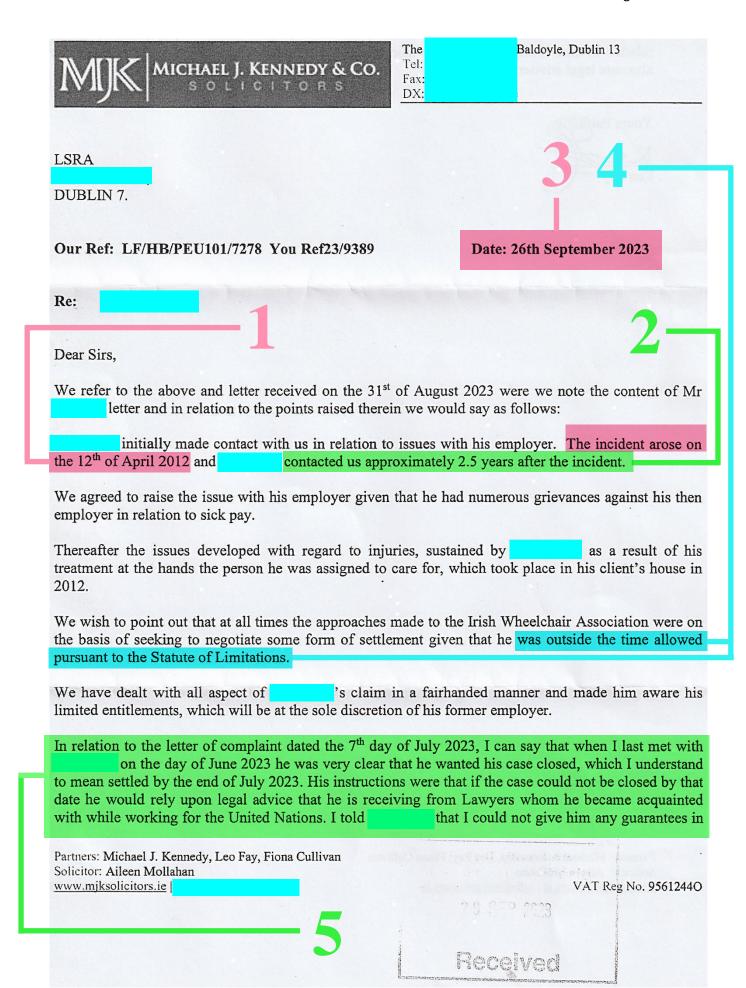
Charron Hausse

Clerical Officer

(On behalf of Paul Comerford, Complaints and Resolutions Officer)

L1.2

A



relation to time limits and it may be more beneficial to pursue the alternate route as suggested by his alternate legal advisers.

Yours Faithfully,

Leo Fay

5

Partners: Michael J. Kennedy, Leo Fay, Fiona Cullivan

Solicitor: Aileen Mollahan

www.mjksolicitors.ie

VAT Reg No. 95612440

RL 5576 1035 1IE

An Post Retail Receipt

Post Office: 217 Position: 2
Date: 16-Jan-2023 Time: 13:46:07

Trans. Ref. ID 02170207019312
Destination Ireland - 26 Counties
Weight (Parcel) 5.115 kg
RegisteredPost 17.00 EUR

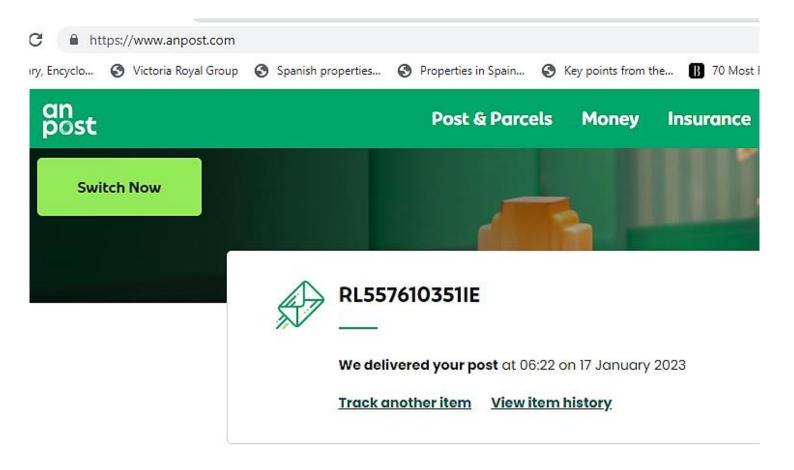
TRACKING NUMBER RL 557 610 351 IE

No Commercial Value

As there has been no value declared on this item, a maximum insured value of 25 EUR will be payable in the event of a successful claim.

Total Amount Paid Payment Method

17.00 EUR VisaDebit





Proof of Delivery

For your world

Name: JON

Delivery Date: 17 Jan 2023, 06:22

Signature:

Barcode(s): RL557610351IE

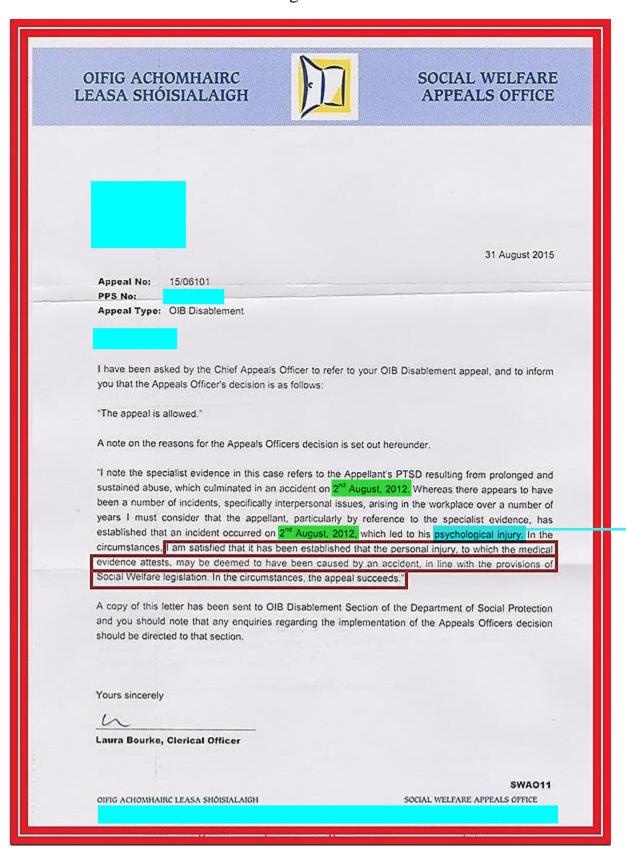


ANALYSIS APRIL 2021 - APPENDIX SIX

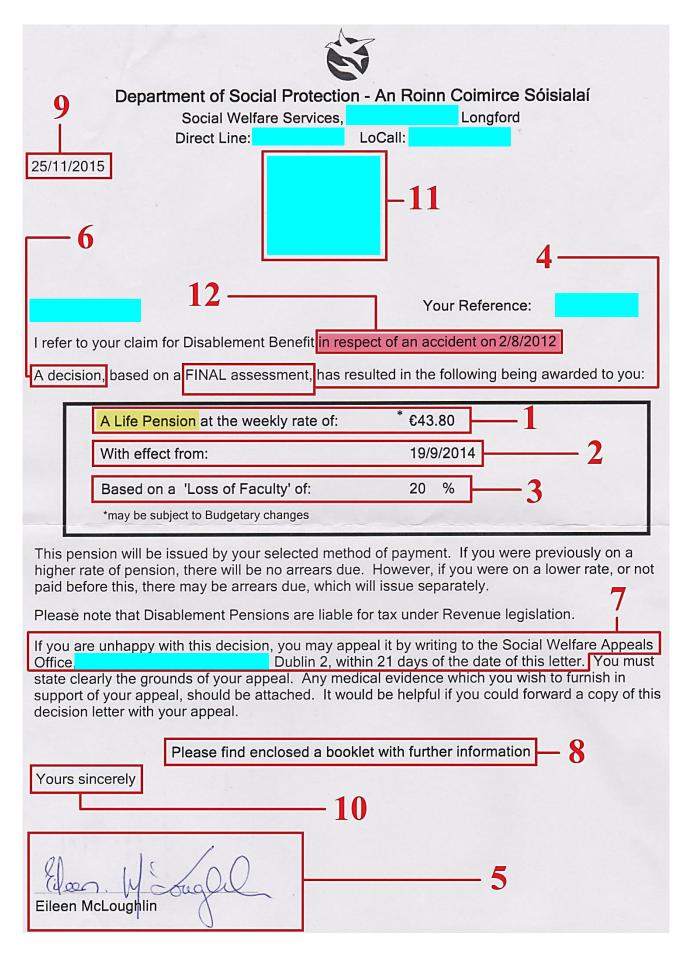
Dr.	PhD, MIACP
Counsell	or & Psychotherapist
Republic of e-mail: Tel: Website: 26 th September To whom it man his 'Fight or Fand unable to leading to insubsequent swith PTSD. Or requires regulation in the sequence of	reland

SEPTEMBER 2020 - ANALYSIS ONE REVISED VERSION

Figure 36



MAY 2022 - ANALYSIS MAY 2022 APPENDIX SIX



200 100 21 92

Disciplinary Policy & possesse enclosed

Private & Confidential

10th August 2012

I am writing in connection with your email dated 7th August 2012 regarding your interactions with on Thursday 2nd August 2012.

I wish to advise you that an investigation will be conducted into this matter in accordance with the Association's Disciplinary Policy and Procedure, a copy of which is enclosed for information purposes. This will be conducted by Karen Dempsey (Support Worker) and me, Anne Lowry (Area Manager). In this regard, we would welcome the opportunity to meet with you to discuss events which occurred on 2nd August 2012.

I would therefore like to invite you to a meeting on Monday 20th August 2012 at 11.00am in IWA premises, Blackheath Drive, Clontarf, Dublin 3. If you so wish, you may be accompanied to the meeting by a representative of your choice.

If you have any queries in relation to the above, please let me know.

Yours sincerely,

Anne Lowry Area Manager

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

particularly b	by	reference	to	the	specialist	evidence,
APPENDIX TEN						

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021 APPENDIX TEN

O LE	IFIG ACHOMHAIRC ASA SHÓISIALAIGH SOCIAL WELFARE APPEALS OFFICE
	31 August 2015
	Appeal No: 15/06101
	PPS No: Appeal Type: OIB Disablement
	Dear Dear Dear Dear Dear Dear Dear Dear
	I have been asked by the Chief Appeals Officer to refer to your OIB Disablement appeal, and to inform
	you that the Appeals Officer's decision is as follows:
	"The appeal is allowed."
	A note on the reasons for the Appeals Officers decision is set out hereunder.
	"I note the specialist evidence in this case refers to the Appellant's PTSD resulting from prolonged and sustained abuse, which culminated in an accident on 2 nd August, 2012. Whereas there appears to have
	been a number of incidents, specifically interpersonal issues, arising in the workplace over a number of years I must consider that the appellant, particularly by reference to the specialist evidence, has
	established that an incident occurred on 2 nd August, 2012, which led to his psychological injury. In the circumstances, I am satisfied that it has been established that the personal injury, to which the medical
	evidence attests, may be deemed to have been caused by an accident, in line with the provisions of Social Welfare legislation. In the circumstances, the appeal succeeds."
	A copy of this letter has been sent to OIB Disablement Section of the Department of Social Protection and you should note that any enquiries regarding the implementation of the Appeals Officers decision should be directed to that section.
	Yours sincerely
	n
	Laura Bourke, Clerical Officer
	SWA011

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

ALLOW MY APPLICATION (see APPENDIX TEN)

Page **32** of **73**



CIRCUMSTANCES OF HIS APOLOGY – "I MUST CONSIDER..." (see APPENDIX TEN)

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

	He (see APPENDIX TEN	N writes
		Daga F4 of 72

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

(see APPENDIX TEN) pointed to document on page 9 in APPENDIX SIX of April 2021 file

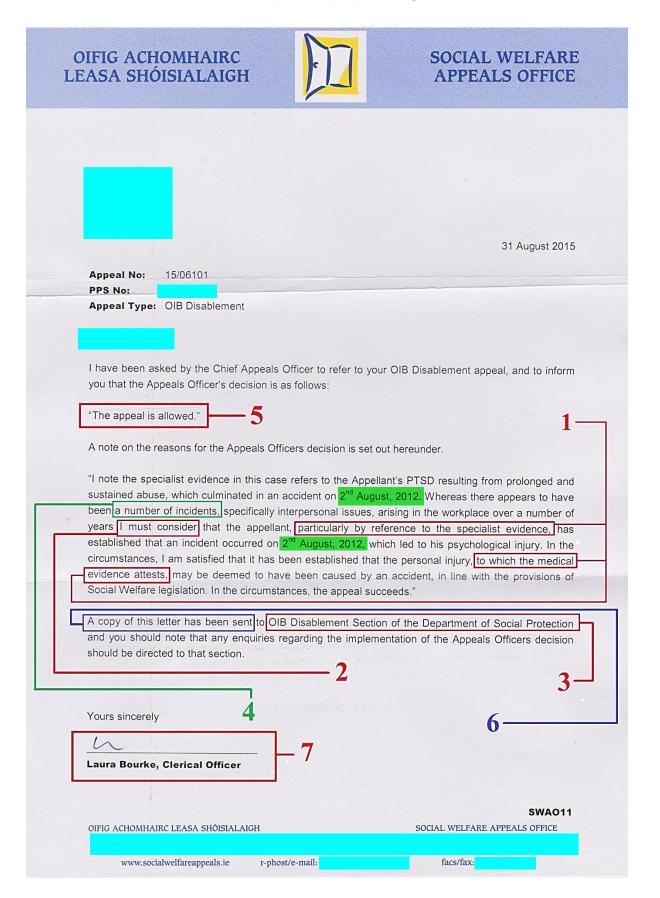
SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

findings testify on it in APPENDIX TEN	Г.	

SEPTEMBER 2021 – ANALYSIS SEPTEMBER THIRD 2021

All this is undeniable evidence	ce that management of Irish	Wheelchair Association FULLY
APPROVED and UNCONDIT	TIONALLY SUPPORTED ⁹³ .	Wheelchair Association FULLY

MAY 2022 - ANALYSIS MAY 2022 APPENDIX NEWBRIDGE



ANALYSIS APRIL 2021 - APPENDIX TEN

OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH



SOCIAL WELFARE APPEALS OFFICE



31 August 2015

Appeal No:

15/06101

PPS No:

Appeal Type: OIB Disablement



I have been asked by the Chief Appeals Officer to refer to your OIB Disablement appeal, and to inform you that the Appeals Officer's decision is as follows:

"The appeal is allowed."

A note on the reasons for the Appeals Officers decision is set out hereunder.

"I note the specialist evidence in this case refers to the Appellant's PTSD resulting from prolonged and sustained abuse, which culminated in an accident on 2nd August, 2012. Whereas there appears to have been a number of incidents, specifically interpersonal issues, arising in the workplace over a number of years I must consider that the appellant, particularly by reference to the specialist evidence, has established that an incident occurred on 2nd August, 2012, which led to his psychological injury. In the circumstances, I am satisfied that it has been established that the personal injury, to which the medical evidence attests, may be deemed to have been caused by an accident, in line with the provisions of Social Welfare legislation. In the circumstances, the appeal succeeds."

A copy of this letter has been sent to OIB Disablement Section of the Department of Social Protection and you should note that any enquiries regarding the implementation of the Appeals Officers decision should be directed to that section.

Yours sincerely

n

Laura Bourke, Clerical Officer

SWA011

OIFIG ACHOMHAIRC LEASA SHÓISIALAIGH

SOCIAL WELFARE APPEALS OFFICE

ANALYSIS APRIL 2021

The appeals officer at happened (see APPEN	t the later stage, by f	force of law, had to co	orrect ⁴ and corrected what
APPEALS OFFICER	IN HIS DECISION	IN NO A SINGLE	FURTHER, CHIEF WORD REFERS TO

ANALYSIS APRIL 2021 - APPENDIX TEN

OIFIG ACHO CASA SHÓI	OMHAIRC SIALAIGH		SOCIAL WELFARE APPEALS OFFICE
			31 August 2015
	15/06101		
PPS No: Appeal Type:	OIB Disablement		
Door			
Dear			
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"The appeal is al	lowed."		
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Laura Bourke, (Clerical Officer		
			SWA011
OIFIG ACHOMHAIR	C LEASA SHÓISIALAIGH		SOCIAL WELFARE APPEALS OFFICE

ANALYSIS APRIL 2021

In appendix ten it is notable that

apart from what is quoted in the APPENDIX TEN,

Ms Laura Bourke, clerical officer of the Appeals office, in APPENDIX TEN, writes that....

(see APPENDIX TEN)



still lasting and it is TWENTY TWO, A	s not known whether the	e illness will ever end THREE, <mark>APPEND</mark>	d or not (<mark>see</mark> APPENDIX <mark>IX TEN</mark>)



It is officially proved (see APPENDIX TEN) that all of this is the direct consequence of the inhumanity and bullying I was exposed to in the Irish Wheelchair Association.

Page **20** of **27**

ANALYSIS APRIL 2021 APPENDIX 23

⁵⁰ See nr 1....APPENDIX NEWBRIDGE and see also APPENDIX TEN

What are the time limits for different areas of law?

- Personal Injury Claim 2 years
- Medical Negligence Claim 2 years
- Sexual Abuse 6 years
- Assault including sexual assault 6 years
- **Professional Negligence** 6 years
- **Breach of Contract** 6 years.

Statute of Limitations for personal injury

The period in which a person can bring a claim for personal injury is two years less than one day. The clock starts running from the date of knowledge. The date of knowledge is the date on which the injured person became aware they were injured; it was a significant injury, and it was caused by the negligence of the party at fault. Often this date will be the day of the actual accident, however, in some cases, an injury does not manifest itself immediately after the relevant incident.

1.1Exceptions

There are some circumstances in which the applicable time limit may be altered, such as:

• Where the injured party has suffered a mental impairment as a result of their injury

How long do you have to file a personal injury claim?

The general rule is that you have a two-year period from the date of the accident or injury to initiate legal proceedings. However, there are specific situations that might affect this starting point:

- Minor at the time of the injury: If the injured party was under 18 at the time of the accident, the two-year period begins on their 18th birthday.
- Delayed knowledge of the injury: Sometimes, the full extent or nature of the injury might not be immediately apparent.
- Incapacity: If the injured person was incapacitated in some way, such as being in a coma or lacking the mental capacity to manage their affairs.

APPENDIX 25



What We Do

Who We Are

Practice Areas ▼

Success Stories

News & FAQs

Testimonials

Contact

Statute of Limitations time limit:

Other than the extra 6 months afforded to you from the date of the release of your PIAB assessment (if applicable), The Statute of Limitations Act 1957 requires that your court proceedings are issued 2 years less 1 day from the date of injury.

If the injured party is a child, a parent or guardian can issue proceedings on the child's behalf at any point in time up until the child's 18th birthday. After which, the young adult can issue their court proceedings in their own right 2 years less 1 day from the date of their 18th birthday.

Exceptions to the time limit:

· Date of knowledge

Sometimes, an injury or illness may not become noticeable until a while after the incident occurred. This is when the date of knowledge can become the start date for the timeline for issuing proceedings. The date of knowledge is the date on which you were aware of the following:

- 1. You had been injured
- 2. The injury was significant
- 3. The injury was caused by the negligence of another person or party
- 4. You were able to identify who that person or party was
- . When the injured party is mentally impaired as a result of sustaining their injury
- When the injury sustained is of such a serious nature, that the injured party was rendered incapable of making a claim. The 2 year less 1 day time limit commences on the date that the person is deemed well enough to make a claim.
- . Misdiagnosis of an illness. The 2 year less 1 day time limit commences on the date of the correct diagnosis.

RE: Leo Fay Thu 27/06/2013 16:49 To:	APPENDIX 27
Thanks I added this to the file and would need more details and took his key from you.	in which way line manager put you out of his house
Regards, Leo	
From: Sent: 27 June 2013 14:17 To: Leo Fay Subject:	
Hi Leo,	
In the attachment you can find document confine Association expelled me from work.	ming that the line manager of Irish Wheelchair

All the best,

RE: Leo Fay Mon 24/10/2016 12:57 To: Thanks for documents

APPENDIX 28

I note nature of the injury. In the Statute of Limitations time limit does not apply to your psychological-mental

injury.

Leo

From:

Sent: 24 October 2016 10:17

To: Leo Fay

Subject:

Hi Leo, please find in the attachment my appeal and the Appeals Officer decision of 31st August last year. Leo, I would love to hear your opinion.



Also at

Donabate, Co. Dublin (By Appointment)

APPENDIX 29

Our Ref: LF/AC/

Date: 23 December 2015

Re: Employment matter

Thank you for instructing this firm to act on your behalf in respect of the above mentioned matter.

I, and everyone here at Michael J. Kennedy & Company, Solicitors will do our best to see that everything proceeds as smoothly as possible.

1. Responsibility for the work

I shall carry out most of the work in this matter personally, but you can also contact another member of staff if there is an urgency, who can access the files through our file management system and endeavour to help you. If he or she is unable to help you her/himself, he/she will be pleased to take a message for you.

We aim to offer all of our clients an efficient and effective service and I am confident that we will do so in this case. However, should there be any aspect of our service with which you are unhappy, and which we cannot resolve between ourselves, you may raise the matter with Michael J. Kennedy, the Senior Partner.

2. Fees

Our charges will be calculated mainly by reference to the time spent by me or any other solicitors and executive staff dealing with this matter. This includes advising, attending on you and others, dealing with papers, correspondence, telephone calls, travelling and waiting time. Unless otherwise advised, our fee per hour is €250.00 and does not include VAT which will be added to the bill.

As I have said, I will carry out most of the work in this matter personally and as time goes on the charge rates I have quoted may be reviewed and therefore if this matter has not been concluded within a twelve month period when the next review will take place, fees may rise. I shall let you know the new rates which will apply to work done from then as soon as they have been set.

In matters such as this, it is difficult to estimate how many hours of work will be necessary to complete the matter. At the present time, I estimate that in the region of 10 hours' work will be required. However, this estimate may change as the matter proceeds and it becomes clearer how much time is likely to be needed. I will let you know if it becomes apparent that we will have to spend substantially more time on this matter than I have currently estimated.

3. Terms of business

It is normal practice to ask clients to make payments on account of anticipated costs and disbursements. It is helpful if you can meet requests promptly but if there is any difficulty please let me know as soon as possible.

As a general rule our bill will be delivered for payment following completion of the matter but where matters carry on for a protracted period of time or we incur substantial outlays, we reserve the right to furnish an interim account. In every case we will furnish a detailed invoice setting out the work done and the time allocation for that work and relevant outlays.

I am sure you will understand that in the event of a payment not being made, we must reserve the right to decline to act any further and that the full payment for the work done up to that date will be charged to you. Accounts should be settled within 30 days. Interest will be charged on bills that are not paid within that time at 10%. In relation to conveyancing matters our fee is deducted from the loan cheque or other monies furnished to this office prior to completion of the transaction. Once the transaction has completed a receipted invoice and statement of account will be furnished.

4. Agreement

The charges set out above are an estimate based on the information that I have at present and I will inform you in writing if any difficulties arise or if anything occurs which makes it necessary to review this estimate. They do not constitute a contentious business agreement – which would have the effect of restricting your rights to challenge them – and if you are not satisfied at the conclusion of this matter, you may seek to challenge them by way of reference to the Law Society or taxation.

5. Termination of Retainer

You should be aware that there are certain circumstances where our retainer to act on your behalf may be determined as follows:-

- a) By you if you withdraw instructions but we will be entitled to be paid for all work done up to the date of withdrawal instructions on a quantum meruit basis and we may have a lien over certain documents belonging to you until our reasonable charges have been paid.
- b) Where we cannot continue to act on your behalf without breaking the law.
- c) Where we cannot continue to act on your behalf without being in breach of the rules of conduct as laid down by the Law Society.
- d) Where there is a serious breakdown of confidence between our firm and yourself.

e) Where you fail to pay an interim bill in respect of fees or outlays.

6. Limitation of Liability

We confirm that this firm holds professional indemnity insurance up to a sum of €1,500,000.00 in respect of any one matter and this letter constitutes formal notice to you of such limit on our professional indemnity liability pursuant to Section 44 of the Civil Law (Miscellaneous Provisions) Act 2008.

7. Closing Date

Please note the closing date for this transaction may vary and the agreed closing date in the Contract for Sale or other correspondence may be exceeded from time to time. We shall accept no liability as a result of variations of the closing date due to factors outside of our control.

8. Email Correspondence

Unless we hear from you to the contrary, we may use internet email to communicate with you and others in relation to any matter. This carries certain risks. We do not accept responsibility for any loss that you suffer as a result of our use of internet email. Please note that emails sent by you to this firm or instructions contained in such emails shall not be deemed to be received until such time as you receive an acknowledgement of receipt of said email.

9. Conflicts

We will not act for any other client on any matter on which we are acting for you unless we have your express agreement that we may do so or where we are involved in transactional work for you expressly on a non-exclusive basis.

The interests of another client of the firm and your own may conflict in any number of circumstances. When this arises, we will, to the extent that we are legally able to do so, consult with you as to the appropriate course of action.

If you are aware of any reason why we should not act for you, then it is your responsibility to tell us. In particular, you must inform us of the names of all persons who may be involved in or connected to your matter so that we may carry out a conflict of interest search.

10. Other Matters

- It is our normal practise to destroy our correspondence files, draft documents and other papers that are more than 12 years old. Original Deeds and Wills are not destroyed, and can be stored in our safekeeping room at an annual charge, if you so instruct. In the absence of contrary instructions, we will assume that you are content with this arrangement.
- It may be necessary during the course of the matter to instruct one or more experts
 outside the firm, such as accountants, consultants or specialist counsel. We will
 discuss this with you at the appropriate time, including who might be suitable and the

costs likely to be involved. You will be their client and you will be responsible for paying their costs and expenses.

Our advice will relate to the laws and procedures which operate in Ireland only. it is intended that legal proceedings should be issued against the Firm (or any person or entity for which the Firm is or is alleged to be responsible), the Firm may at its election require the relevant dispute, difference or claim to be referred to arbitration by notice in writing to that effect. If, the claimant issues any legal proceedings, the Firm may still elect for arbitration by notice to that effect given to the claimant and to the claimants lawyers named in the proceedings (if any) within 21 days of service of the proceedings on the Firm, in which event the claimant will take no further steps in the proceedings other than to procure the dismissal or stay of the proceedings. Where the Firm has given notice that it has elected for the dispute, difference or claim to be referred to arbitration, it will be referred to and resolved by a single arbitrator in accordance with the Arbitration Acts 1954 to 1998 such arbitrator to be appointed by agreement within 14 days of the parties or, failing agreement within 14 days as may be nominated on the request of either party by the president of the time being of the Law Society of Ireland. The laws of Ireland shall apply. The place of the arbitration shall be Dublin.

Before we take further steps on your behalf we would be grateful if you would sign and return to us the enclosed duplicate of this letter as an acknowledgement of your understanding and acceptance of these terms. We will also require, in order to comply with our internal file opening procedures the following documentation to verify your ID, address, PPS number and marital status:

- ID-- Passport, Drivers Licence or Garda ID
- Address-- Utility bill, Bank Statement, or other official correspondence from a Government Department, dated within the last 3 months
- PPS number- & tax type- correspondence from the Revenue Commissioners, Department of Social Welfare. Tax Credit Certificate, P60 etc
- Marriage Certificate- if you are married, we will require a copy of your State marriage
 certificate, and if applicable, copies of any Separation Agreement, Deed of Waiver, Court
 Orders in relation to Judicial Separation or Divorce.

I know this matter seems formal, but as I am sure you understand, it is our policy to enter into a written engagement letter with our clients in order to avoid any misunderstandings. We very much appreciate the opportunity to represent you and look forward to working with you in respect of this matter and hopefully into the future.

Many thanks again for your instructions in the matter.

Yours sincerely,

Michael Tlendy

Michael J Kennedy & Company

I hereby acknowledge having read the foregoing fee agreement letter and terms and conditions and accept on that basis the legal representation of Michael J. Kennedy & Company Solicitors as described above and agree to be bound by the terms of this letter.

Dated: 30.12.2015

Signed:

instruction

noun

UK ◀》 /ɪnˈstrʌkʃən/ US ◀》

instructions

Add to word list

[plural]

written advice and information about how to do or use something:

- Please read the instructions carefully.
- Follow the instructions given below to activate your card.
- clear/detailed/step-by-step instructions The furniture comes with detailed instructions about how to assemble it.
- assembly/installation instructions The first step is following the installation instructions as well as the on-screen requests from the program.



08 November 2023

Our Ref: 23/9389

Please quote the reference above in all correspondence to this office and refrain from using staples as all documents received are scanned.

Re: Complaint made to the Legal Services Regulatory Authority (LSRA) against Mr Leo Fay

I refer to the above and to previous correspondence on this matter.

I have conducted a preliminary review of your complaint and considered all the documentation provided by you and Mr Leo Fay. Having done so, I have determined that your complaint is inadmissible. This means that the complaint does not meet the criteria set out in the Legal Services Regulation Act 2015 ("the Act"), which would allow us to investigate it. The rationale for this decision is set out on the attached document.

I have written to Mr Leo Fay to advise him of the decision.

The LSRA will take no further action in respect of this complaint. The decision does not impact on any other legal rights, available to you or prohibit you exercising those rights.

The LSRA appreciates that you are likely to be disappointed with our decision, but please be assured that your complaint was given full consideration. The Act does not allow for an appeal of the admissibility decision. However, if you are not satisfied with the administrative actions of the LSRA in dealing with your complaint, it is open to you to complain to the Office of the Ombudsman.

The Ombudsman provides an impartial, independent and free service. The role of the Ombudsman is to consider whether a complaint has been dealt with in accordance with the procedures set out in the Legal Services Regulation Act 2015. The Ombudsman cannot examine the actions of the solicitor and it is not an appeal of the admissibility decision but a review of the administrative actions of the LSRA in dealing with your complaint. If you are making a complaint you should provide the Ombudsman with a copy of this decision letter.

The Legal Services Regulatory Author



You	can	make	your	complaint	online	using	the	complaint	form	on	www.ombudsman.ie
alter	nativ	ely, you	ı can n	nake your co	omplaint	in wri	ting	or in person	to: Of	fice	of the Ombudsman,
			, Dubli	n 2,	; Pho	ne:					

Yours sincerely,

Paul Comerford

Complaints and Resolutions Officer

The Legal Services Regulatory Authority

Dublin 7 Tel: Email:



Admissibility

Case Reference:	23/9389		
Complainant Name:			

Practitioner Name: Leo Fay

Having conducted a preliminary review for the purposes of section 57 of the Legal Services Regulation Act 2015, I determine the complaint to be inadmissible.

Description of complaint and categorisation						
On 9th August 2023	made the following allegations against Mr					
William O Connor, a solicitor:						
• '- They have done nothing	g"					
Raised issues with non-compliance with GDPR						
• Gave instructions for the						
Foint 1 '- They have done nothing initially made contactincident arose on the 12 th April	t with us in relation to issues with his employer. The					
wears after the incident""We wish to point out that that all times the approaches made to the Irish Wheelchair Association were on the basis of seeking to negotiate some form of settlement given that he was outside the time allowed pursuant to the statute of limitations".						
Practitioner made efforts to requirements of the Statute of	progress this case but was constrained by the of Limitations in such matters. Delays caused in rior to the involvement of the Legal Practitioner.					

The Legal Services Regulatory Authority

Point 2

Dublin 7 Tel: Email:

• Raised issues with non-compliance with GDPR



Mr Fay did not address the issue of non-compliance with requirements in relation to GDPR requests.

Issues pertaining to the requirements of Legal Practitioners to comply with GDPR requests fall under the auspices of the Data Protection Commissioners. Any findings of the Data Protection Commissioners should then be forwarded to the LSRA to assist in substantiating complaints. I could not find any reference to any correspondence to or from the Data Protection Commissioners in any of the documentation provided.

Point 3

Gave instructions for the case to be closed by end of July 2023

Mr Fay replied "..I last met on the day of June 2023 he was very clear he wanted his case closed, which I understand to mean settled by the end of July 2023. His instructions were that if the case could not be closed by that date he would rely upon legal advice that he was receiving from Lawyers whom he became acquainted..

It is clear from the documentation that this instruction was provided by he was relying on advice from other lawyers and that certain ultimatums were issued as a result. Once this one month deadline passed and Mr Fay (as he perceived it) didn't "settle" the case. lodged his complaint to the LSRA. It is far beyond the remit of a Legal Practitioner to solely settle a case with in a month, however a case can be closed where the complainant simply instructs that no further action be made. As such it is the responsibility of the complainant, (in this case) to close a case by instruction. There is no evidence to suggest that Mr Fay did not follow this instruction.

With regard to admissibility, the following determinations arise from the preliminary review, on the basis of the information and documentation provided.

The Authority is of the opinion that the complaint is without substance or foundation as having completed a review of all of the documentation supplied there is no evidence to support the allegations and there is no reasonable prospect that the complaint can be proven.

Signed: Paul Comerford

Position: Complaints and Resolutions Officer

Date: 8th November 2023

RE:

Leo Fay

Mon 24/10/2016 12:57

To:

Thanks for documents

I note nature of the injury. In the Statute of Limitations time limit does not apply to your psychological-mental

injury.

Leo

From:

Sent: 24 October 2016 10:17

To: Leo Fay

Subject:

Hi Leo, please find in the attachment my appeal and the Appeals Officer decision of 31st August last year. Leo, I would love to hear your opinion.

30.04.2024, 23:14 Solicitors Act, 1954

Home > Acts > 1954 > Solicitors Act, 1954

APPENDIX 33

Solicitors Act, 1954



Number 36 of 1954.

SOLICITORS ACT, 1954.

ARRANGEMENT OF SECTIONS

PART I.

Preliminary and General.

Section

- 1. Short title.
- 2. Commencement.
- 3. Interpretation.
- 4. Performance of functions of Society.
- 5. Regulations generally.
- 6. Delegation by Chief Justice.
- 7. Repeals.

PART II.

The Registrar of Solicitors and the Roll of Solicitors.

- 8. Registrar of solicitors.
- 9. Roll of solicitors.
- 10. Admission and enrolment.
- 11. <u>Limitation of time for certain applications to strike off roll.</u>
- 12. Notification of death.

PART III.

The Disciplinary Committee.



30.04.2024. 23:14 Solicitors Act. 1954

Limitation of time for strike off roll.

- 11.—(1) A solicitor shall not be liable to have his name struck off the roll on account of certain applications to a defect in his indentures of apprenticeship, or in the registration thereof or his service thereunder, or in his admission and enrolment, unless the application to strike his name off the roll is made within twelve months after the date of his enrolment.
 - (2) Subsection (1) of this section shall not apply where fraud is proved to have been committed in connection with the indentures, registration, service, admission or enrolment.

Notification of death.

12.—A registrar of deaths shall, where an entry is made in the register of deaths concerning a person whose name is on the roll, forthwith send by post to the registrar a certified copy of the entry, and may charge the cost of the certificate and of the sending thereof to the registrar as an expense of his office of registrar of deaths.

PART III.

The Disciplinary Committee.

Disciplinary Committee.

- 13.—(1) The Society shall appoint annually, from among members of the Council and such former members of the Council as are practising as solicitors, a disciplinary committee (in this Act referred to as the Disciplinary Committee) consisting of not less than seven and not more than ten persons.
- (2) The Society may remove a member of the Disciplinary Committee, may fill a vacancy therein and, subject to the limits stated in subsection (1) of this section, may increase or reduce the number of persons thereon.
- (3) The members of the Disciplinary Committee shall go out of office on their successors being appointed under subsection (1) of this section, but any such member shall be eligible for reappointment.
- (4) The Disciplinary Committee may act notwithstanding one or more than one vacancy in their membership.
 - (5) The quorum of the Disciplinary Committee shall be five.
- (6) An appointment or removal under subsection (1) or (2) of this section shall not be made save with the approval of the Chief Justice.

Applications to Disciplinary Committee.

- **14.**—(1) The following applications shall be made to the Disciplinary Committee:
 - (a) an application by a solicitor to procure the removal of his name from the roll,
 - (b) an application by another person or the Society to strike the name of a solicitor off the roll on any of the following grounds:

30.04.2024, 23:14 Solicitors Act, 1954

(i) that the solicitor has been guilty of misconduct, including conduct tending to bring the solicitors' profession into disrepute,

- (ii) that the solicitor has contravened a provision of this Act or of an order or regulation made under this Act,
- (iii) that the solicitor has been convicted of treason or of a felony or misdemeanour or has been convicted outside the State of a crime or offence which would be a felony or misdemeanour if committed in the State,
- (c) an application to require a solicitor to answer allegations contained in an affidavit,
- (*d*) an application for replacement on the roll of a name which has been removed from or struck off the roll.
- (2) An application under this section shall be in writing, shall be signed by the applicant and shall be sent to the Disciplinary Committee together with—
 - (a) an affidavit by the applicant setting forth the matters relied on in support of the application, and
 - (*b*) the documents relied on in support of the application or copies of those documents.
- (3) The Chief Justice or any judge of the High Court may, notwithstanding anything contained in this Act, exercise any jurisdiction over solicitors which he might have exercised if this Act had not been passed.

Procedure where solicitor applies for removal of his name from roll.

- **15.**—Where an application under paragraph (*a*) of subsection (1) of section 14 of this Act is duly made, the Disciplinary Committee shall consider the application and supporting affidavit and documents and—
 - (a) if they decide that the applicant is entitled to have his name removed from the roll without further inquiry, they shall order accordingly,
 - (b) if they decide that there is cause for inquiry, they shall hold an inquiry.
- Procedure where **16.**—(1) Where an application under paragraph (*b*) or (*c*) of subsection (1) of section 14 charge is made against of this Act is duly made, the Disciplinary Committee shall consider the application and solicitor. supporting affidavit and documents and—
 - (a) if they decide that a *prima facie* case has not been shown, they shall so notify the applicant and the solicitor and shall take no further action,



[2001.] Criminal Justice (Theft and Fraud [No. 50.] Offences) Act, 2001.

- (6) A person who is arrested pursuant to this section by a person Pt.2 S.8 other than a member of the Garda Síochána shall be transferred by that person into the custody of the Garda Síochána as soon as practicable.
- (7) A person guilty of an offence under this section is liable on conviction on indictment to a fine not exceeding £3,000 or imprisonment for a term not exceeding 2 years or both.
- 9.—(1) A person who dishonestly, whether within or outside the Unlawful use of State, operates or causes to be operated a computer within the State computer. with the intention of making a gain for himself or herself or another, or of causing loss to another, is guilty of an offence.

- (2) A person guilty of an offence under this section is liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.
- 10.—(1) A person is guilty of an offence if he or she dishonestly, False accounting. with the intention of making a gain for himself or herself or another, or of causing loss to another-
 - (a) destroys, defaces, conceals or falsifies any account or any document made or required for any accounting purpose,
 - (b) fails to make or complete any account or any such document, or
 - (c) in furnishing information for any purpose produces or makes use of any account, or any such document, which to his or her knowledge is or may be misleading, false or deceptive in a material particular.
- (2) For the purposes of this section a person shall be treated as falsifying an account or other document if he or she-
 - (a) makes or concurs in making therein an entry which is or may be misleading, false or deceptive in a material particular, or
 - (b) omits or concurs in omitting a material particular therefrom.
- (3) A person guilty of an offence under this section is liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.
- 11.—(1) A person is guilty of an offence if he or she dishonestly, Suppression, etc., of with the intention of making a gain for himself or herself or another, documents. or of causing loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to, or filed or deposited in, any court or any government department or office.

- (2) (a) A person who dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another, by any deception procures the execution of a valuable security is guilty of an offence.
 - (b) Paragraph (a) shall apply in relation to—

Pt.6 S.49 [*No.* **65.**]

Legal Services Regulation Act 2015.

[2015.]

- (b) a reference to an amount of costs sought by a legal practitioner in respect of the provision of legal services means an amount of costs specified in a bill of costs issued by the legal practitioner concerned, and
- (c) a reference to the resolution of a matter in an informal manner includes a reference to the referral of the dispute concerned to mediation or other appropriate form of dispute resolution.

Misconduct by legal practitioners

- **50.** (1) For the purposes of this Act, an act or omission of a legal practitioner may be considered as constituting misconduct where the act or omission—
 - (a) involves fraud or dishonesty,
 - (b) is connected with the provision by the legal practitioner of legal services, which were, to a substantial degree, of an inadequate standard,
 - (c) where occurring otherwise than in connection with the provision of legal services, would justify a finding that the legal practitioner concerned is not a fit and proper person to engage in the provision of legal services,
 - (d) consists of an offence under this Act,
 - (e) in the case of a solicitor, consists of a breach of the *Solicitors Acts 1954* to *2015* or any regulations made under those Acts,
 - (f) in the case of a solicitor, consists of an offence under the *Solicitors Acts 1954* to 2015.
 - (g) in the case of a barrister, is likely to bring the barristers' profession into disrepute,
 - (h) in the case of a solicitor, is likely to bring the solicitors' profession into disrepute,
 - (i) in the case of a legal practitioner who is a managing legal practitioner of a multidisciplinary practice, consists of a failure by him or her to comply with his or her obligations under this Act as a managing legal practitioner (within the meaning of *Part 8*),
 - (j) consists of the commission of an arrestable offence,
 - (k) consists of the commission of a crime or offence outside the State which, if committed within the State, would be an arrestable offence,
 - (l) consists of seeking an amount of costs in respect of the provision of legal services, that is grossly excessive,
 - (m) consists of a breach of this Act or regulations made under it, or
 - (n) consists of a contravention of section 215(1).
 - (2) In determining whether an act or omission referred to in *paragraph* (*l*) of *subsection* (*l*) should be considered as constituting misconduct, the Authority, the Complaints Committee, the Disciplinary Tribunal or, as the case may be, the High Court may have regard to—

- (a) the amount by which or the extent to which the amount claimed in the bill of costs was found to be excessive,
- (b) whether in the particular circumstances of the legal services performed the amount of the bill of costs appears to be unconscionable, and
- (c) whether or not a Legal Costs Adjudicator has found the costs charged to be grossly excessive.
- (3) In this section "arrestable offence" has the same meaning as it has in the Criminal Law Act 1997.

Complaints under Part 6

- **51.** (1) A client of a legal practitioner, or person acting on behalf of such a client, may make a complaint to the Authority in respect of a legal practitioner where the client considers that—
 - (a) the legal services provided to the client by the legal practitioner were or are of an inadequate standard, or
 - (b) an amount of costs sought by the legal practitioner in respect of legal services provided to the client by the legal practitioner was or is excessive.
 - (2) A person may make a complaint to the Authority in respect of a legal practitioner where the person considers that an act or omission of the legal practitioner constitutes misconduct.
 - (3) Subject to *section 52*, on or after the coming into operation of this Part, a complaint may be made to the Authority only.
 - (4) An officer of the Authority, having considered an interim report or a report of an inspector under *Part 3*, may make a complaint under *subsection (2)* in respect of the legal practitioner concerned.
 - (5) Subject to *subsection* (6), where the Law Society, in the performance by it of its functions under the *Solicitors Acts 1954* to *2015*, forms the opinion that an act or omission of a solicitor constitutes misconduct, it shall, in such manner as may be prescribed, notify the Authority of its opinion, and such notification shall be deemed to be a complaint made by the Law Society under *subsection* (2).
 - (6) Subsection (5) shall not apply where—
 - (a) the opinion of the Law Society is that the act or omission concerned constitutes a breach of the Solicitors Accounts Regulations, or
 - (b) the Law Society is investigating, or proposes to investigate, a suspected breach of the Solicitors Accounts Regulations and is of the opinion that the circumstances of the act or omission means that it should be investigated by it as part of the investigation of the suspected breach.
 - (7) The Authority, on receipt of a complaint that is made in respect of a solicitor (other than a complaint made by the Law Society), shall notify the Law Society of the complaint, which notification shall be accompanied by any documents relating to the



Meaning of suggest in English



suggest

verb [T]

UK ◀》 /səˈdʒest/ US ◀》 /səˈdʒest/

suggest verb [T] (MENTION)

Add to word list **=**

B1

to mention an idea, possible plan, or action for other people to consider:

- I suggested an Italian restaurant near the station for the party.
- formal Might I suggest a white wine with your salmon, sir?
- [+ (that)] I suggest (that) we wait a while before we make any firm decisions.
- Liz suggested (that) I try the shop on Mill Road.
- [+ -ing verb] I suggested putting the matter to the committee.
- [+ question word] Can you suggest where I could buy a dozen roses?

Fewer examples

- I suggest we use Barkers as our main suppliers they're good and furthermore they're cheap.
- I suggested that we should meet, and they agreed.
- She suggested half-jokingly that they should sell the family car and all buy bikes instead.
- They'd laugh in your face if you suggested me for the post.
- They suggested we meet up at Mustafa's.
- + SMART Vocabulary: related words and phrases

suggest verb [T] (SHOW/EXPRESS)



If the case is closed⁵ within fourteen days after reception of this letter (that will be confirmed by the An Post receipt) – this request for access to personal information can be ignored **providing** that no new evidence is reached as the inquiry is continuing and any new exhibit will change the circumstances. However, if the case is closed within fourteen days (not in accordance with the power of undeniable exhibits) or if the case is not closed within fourteen days this request for access to personal information **remains in effect** and we start, in phases, uploading ALL the material to internet as soon as possible. First, as we have already pointed out, the theoretical approach and then story of the exhibits in which one of central places belongs to the file of Michael J. Kennedy Solicitors. Any potential communication after that may happen but ONLY IN QUITE DIFFERENT CIRCUMSTANCES.

