

- (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 multi-disciplinary 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 (1)* 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