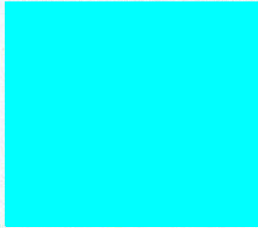




An tUdarás Rialála  
Seirbhísi Dlí  
Legal Services  
Regulatory Authority

**Private and Confidential**



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**

Dear Mr 

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 Authority

Dublin 7

Tel: 

Email: 

L3.7



You can make your complaint online using the complaint form on [www.ombudsman.ie](http://www.ombudsman.ie)  
alternatively, you can make your complaint in writing or in person to: Office of the Ombudsman,  
Dublin 2, Phone:

Yours sincerely,

**Paul Comerford**  
Complaints and Resolutions Officer



### Admissibility

Case Reference: 23/9389

Complainant Name: [REDACTED]

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 Mr [REDACTED] made the following allegations against Mr William O Connor, a solicitor:

- ‘ They have done nothing ’
- *Raised issues with non-compliance with GDPR*
- *Gave instructions for the case to be closed by end of July 2023*

On the 26<sup>th</sup> of September Leo Fay provided a reply to the allegations

#### Point 1

‘ They have done nothing ’

“Mr [REDACTED] initially made contact with us in relation to issues with his employer. The incident arose on the 12<sup>th</sup> April 2012 and Mr [REDACTED] contacted us approximately 2.5 years 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”.

Having reviewed the documentation provided by Mr [REDACTED] it is clear that the Legal Practitioner made efforts to progress this case but was constrained by the requirements of the Statute of Limitations in such matters. Delays caused in progressing the case occurred prior to the involvement of the Legal Practitioner.

#### Point 2

- *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 Mr [REDACTED] 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 Mr [REDACTED] that 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. Mr [REDACTED] 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 Mr [REDACTED]) 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