

Complaints Procedure

De Haij & Van der Wende Advocaten

Capelle aan den IJssel

1. Definition

Complaint

Any oral or written statement of dissatisfaction made which can be defined as such, concerning the services provided by the lawyer, expressed by or on behalf of the client.

Complainant

The client or its representative who expresses a complaint.

Complaints Process

The process used at the office for the handling of complaints

Complaints Procedure

This document, being the written transcript of the complaints process used at the office.

Complaints Officer

The person, not being the lawyer against whom the complaint is addressed, to whom the handling of the complaint is conferred. As of 1 January 2015 this person is mr. J.W. de Haij. As far as it concerns complaints addressed against aforementioned mr. De Haij, the complaints officer will be mr. E. den Hartog.

Complaint Registration Form

An internally to be used form for the execution of the procedure as determined in the complaints procedure.

Disputes Committee for the Legal Profession

The committee appointed by the Foundation for Disputes Committees for Consumer Cases (SGC) and for Profession and Business (SGB) to which the office can submit disputed and unpaid declarations and to which price/quality disputes can be brought if the solution offered by the office does not lead to satisfaction.

Dispute Settlement Scheme for the Legal Profession

The procedure used at the Disputes Committee for the Legal Profession on settlement of disputes between lawyers and clients.

Regulations of the Disputes Committee for the Legal Profession

The regulations in which the operating procedures of the Disputes Committee for the Legal Profession are established.

2. Objectives

The objectives of the complaints procedure are:

- 1) to provide for a procedure in order to handle client's complaints within a reasonable period of time and in a constructive manner.
- 2) to provide for a procedure in order to determine the causes of client's complaints.
- 3) preservation and improvement of existing relations by means of a proper complaints handling.
- 4) to train employees in responding to complaints in a client-oriented manner.
- 5) to increase the quality of the service using complaints handling and complaints analysis.

3. Informing the client

The lawyer

- 1) Informs the client of the fact that the office uses a complaints procedure.
- 2) Notifies the client that there is a possibility to submit unsolvable problems to the Disputes Committee for the Legal Profession.
- 3) Informs the client that the Regulations of the Disputes Committee for the Legal Profession can be requested at the secretary of the committee at the address Postbus 90600, 2509 LP, The Hague.

4. The internal complaints process

- 1) When the client approaches the law firm in any way with a complaint, the lawyer concerned must be notified of that fact.
- 2) The complaint may also relate to persons working under the responsibility of the lawyer.
- 3) The lawyer concerned tries to reach a solution in consultation with the client whether or not following consultation with the complaints officer.
- 4) The lawyer concerned respectively the complaints officer takes care of a proper treatment of the complaint in accordance with the present complaints procedure.
- 5) Confidentiality must be assured under all circumstances.
- 6) The decision in response to the complaint shall be communicated to the client.
- 7) If the complaint is not handled satisfactorily during the contact with the client, the issue will be submitted to the Disputes Committee for the Legal Profession.
- 8) The client does not owe any compensation for the costs of handling the complaint.

5. Registration and classification of the complaint

- 1) All complaints are registered according to the complaints registration form.
- 2) The complaint officer registers and classifies the complaint. The complaint will be classified:
 - by way of submission:
 - A. oral
 - B. in writing
 - by nature of the complaint according to the categories below:
 - I. complaints about working method of / treatment by the lawyer;
 - II. complaints about substantive legal aspects of the service;
 - III. complaints about financial aspects of the service;
 - IV. complaints about the legal practice in general.
- 3) A complaint can be classified into multiple categories.
- 4) If the complaint has been handled satisfactory, the lawyer concerned and the complaints officer sign the Complaints Registration Form.

6. Responsibilities

- 1) The lawyer in question and then the complaints officer involved are responsible for the processing and ruling of the complaints.
- 2) The complaints officer is responsible for the full completion of the complaints registration form.
- 3) The lawyer involved keeps the complaints officer informed about the further handling of the complaint.
- 4) The client and the lawyer involved are given the opportunity by the complaints officer to explain the complaint before the complaint is handled.
- 5) The law firm must handle the complaint in writing within four weeks. In the event of deviation from this term, the complaints officer will inform the client and the lawyer concerned, stating the reasons for the delay and the term within which the complaint will be handled.
- 6) The complaints officer takes care of a response to the complainant.
- 7) The complaints officer maintains records of the complaints file.

7. Analysis of the complaints

- 1) After the complaint is handled the complaint registration forms are collected by the complaints officer.
- 2) The complaints officer reports regularly on the handling of complaints.
- 3) The complaints officer processes the information and provides an annual analysis.
- 4) The complaints officer also makes recommendations to prevent new complaints, as well as to improve the procedures.

8. Discuss internally

- 1) Once a year the complaints data are discussed at the law firm on the basis of an analysis.
- 2) Measures for improvement are prepared and planned.
- 3) The complaints officer is responsible for the preparation of this meeting and for making an analysis.

9. Preventive action

- 1) Based on the annual analysis of the complaints officer, the law firm decides on preventive measures to be taken in order to improve the quality of the service.
- 2) The measures to be taken are presented together with the analysis during the office meeting.