

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 10th JULY 2012**

Question

What disciplinary sanctions are in place in instances of lawyers/advocates being found to have attempted to charge incorrect amounts of money to clients - whether their own or, in an instance of adverse costs rulings, to clients of others; further still, how many disciplinary sanctions have been imposed in the past ten years and what form have these sanctions taken?

Answer

A client is entitled to challenge his advocate's bill of costs by reference to the terms and conditions of the contract between them. In the event of a dispute, the client and advocate can agree to partake in the voluntary fee adjudication process operated by the Law Society. In the event of an adverse costs ruling, the person subject to the order can request that the costs incurred by other advocates be assessed by the Judicial Greffe.

Deliberate overcharging constitutes a disciplinary offence. The current disciplinary process was introduced in 2007 when The Law Society of Jersey Law 2005 came into force. There are a range of sanctions from private rebuke to suspension to being struck off. On 14th May, 2012, the Royal Court exercised its power to strike off an advocate in a judgment recorded at [2012] JRC 099.

Since 2007, 23 complaints have been passed to the Law Society's Disciplinary Panel:-

- 8 complaints were dismissed by disciplinary committees.
- 4 private rebukes were issued by disciplinary committees.
- 7 complaints were finally withdrawn by the complainant.
- 1 public rebuke was issued by a disciplinary committee but a subsequent appeal was upheld by the Royal Court.
- 3 matters are in the process of determination.

None of these matters concerned fee overcharging cases.