

Divorce-related legal complaints most common



Thursday 28 February 2013 by **Catherine Baksi**

Family law accounted for the highest number of complaints dealt with by the Legal Ombudsman last year, a report published today reveals.

Of the 7,500 complaints resolved last year, 18% were about divorce or cases related to family law. Residential conveyancing generated the second highest percentage of complaints (17%) followed by wills and probate (14%).

Excessive charging, poor legal service and customers who blamed their lawyer for the outcome of their case were the most common reasons for complaint in divorce and family cases.

More than a quarter (27%) of divorce-related complaints concerned poor cost information and one in five (21%) complainants said they were not given an estimate of fees when they consulted the lawyer.

The report highlights some particularly egregious cases, including a case that exceeded the fee estimate by more than £30,000 and one case where a woman was billed £4,000 for photocopying.

In addition, 18% of complaints investigated related to the lawyer allegedly failing to provide adequate legal advice.

Adam Sampson, chief ombudsman, said the report shows that there are legitimate reasons for divorce to attract more complaints than other areas of law, but he said that some clients create their own problems by letting emotions take over.

‘Clearly lawyers could be doing more to reduce complaints by providing accurate cost information, providing decent service levels and by taking complaints seriously.’

He said: ‘This report challenges lawyers to raise their game and make the divorce process less painful for consumers.’

The ombudsman also published a consumer guide to using a divorce lawyer together with a re-published guide to good costs practice for lawyers.

James Carroll, co-chair of the Law Society's family law committee, said: ‘Divorce is an inherently difficult area of law, when people are often emotionally raw and one party may feel hugely upset at being caught in the process at all. As the report acknowledges, expectations about what the court or a lawyer are able to deliver may be unrealistic, and sometimes people press on with actions that may be against their legal advice: so it's not surprising that people come out of an often distressing process feeling dissatisfied, particularly when we do not have a system of no-fault divorce.

‘Nevertheless, lawyers have a professional obligation to provide clients with clear information about charges and the report will be very helpful to lawyers in reminding them of this.’

Read the [guides and a copy of the full report](#).

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