

# **THE CAPE LAW SOCIETY**

## **COMPLAINTS GUIDELINE**

The Disciplinary Department of the Cape Law Society (CLS) has the power to investigate allegations of misconduct made against practising attorneys or registered candidate attorneys in the Northern, Western and Eastern Cape Provinces.

This is a disciplinary investigation, which could lead to a disciplinary sanction being imposed on the attorney or candidate attorneys if he/she is found guilty. The CLS cannot order specific performance, nor can it oblige the attorney or candidate attorney to pay or repay money to a complainant.

The CLS is not permitted to give legal advice or to render legal assistance. This must be obtained from an attorney of the complainant's choice.

If a complainant has suffered financial loss as a result of the conduct of an attorney or a candidate attorney, he/she will have to exercise his/her legal remedies to recover such loss as the CLS cannot do so on his/her behalf.

Lodging a complaint with the CLS does not result in an automatic stay of court proceedings, nor does it interrupt prescription. Legal advice should be obtained.

Complaints must be lodged in writing by the person entitled to complain. Complaints by third persons will only be accepted if a written authorisation accompanies the complaint and if a valid reason is given for the inability of the person to lodge his/her complaint personally.

Complainants should set out the name of the attorney/candidate attorney against whom the complaint is laid and the name and address of his/her firm, clearly and succinctly set out the misconduct which is being complained about, and furnish any relevant documentation (including witnesses statements) which supports the complaint. The complaint should be sent to the CLS's Disciplinary Department at PO Box 4528, Cape Town 8000, or by telefax to (021) 443 6751, or by e-mail to [cls@capelawsoc.law.za](mailto:cls@capelawsoc.law.za).

The complaint will be put to the attorney/candidate attorney who will be required to respond thereto in writing. A copy of that response will be sent to the complainant for his/her comments.

While the CLS will adjudicate upon the complaint as soon as possible, no time scales can be laid down.

The Society's Rules do not make provision for any hearing at which the parties can be present and give evidence. Adjudication of the complaint is done on the basis of the written submissions made by the parties and the supporting documentation supplied by them.