

# Complaints procedure SMART Advocaten (version 30-08-2016)

(related to clause 6.28 of the Dutch Bar Regulations for Lawyers)

## Office complaints procedure SMART Advocaten

### Article 1 definitions

In this procedure an office complaints procedure means:

- *complaint*: every written comment expressing displeasure on behalf of or from the client against the lawyer or the employee(s) who work under the lawyers responsibility concerning the realization and the achievements of the assignment, the quality of the services provided or the amount of the expenses, and not being a complaint as mentioned in paragraph 4 of the Dutch Lawyers Act;
- *plaintiff*: the client or his representative who makes a complaint;
- *complaints officer*: the lawyer who is engaged with handling the complaint;

### Article 2 scope

1. This complaints procedure is applicable on every assignment between SMART Advocaten and the client.
2. Every lawyer of SMART Advocaten takes care of a proper settlement of the complaint in accordance with the complaints procedure.

### Article 3 purpose

This office complaints procedure intends to:

- a. file the procedure in order to settle complaints made by clients within a reasonable time and on a constructive way;
- b. file the procedure to point out the causes of complaints made by clients;
- c. maintain and improve existing relationships by means of a good complaint treatment;
- d. train employees in order to respond on a service providing way to any complaints;
- e. improve the quality of the services provided by means of complaint treatment and complaint analysis.

### Article 4 information at the start of the assignment

1. This office complaint procedure has been published. The lawyer informs the client before the assignment or before entering into an agreement that the office has a complaint procedure and that this procedure is applicable on the services provided.
2. SMART Advocaten has applicable General Terms and Conditions which indicate which independent party or organization the client may address with a complaint that has not been settled after complaint treatment in order to obtain a binding opinion and this has been communicated to the client in the General Terms and Conditions.
3. Complaints as mentioned in article 1 of this complaint procedure which have not been settled can be submitted to court or binding opinion, the client is free to choose between both ways.

### Article 5 internal complaint procedure

1. In the event a client addresses a lawyer with a complaint the lawyer shall try to settle this complaint together with the client in order to solve the problem. In the event this will not work or if the client prefers a formal way of complaint treatment or an employee of SMART Advocaten has been addressed by the plaintiff not being the lawyer who is in charge of the assignment, the complaint will be redirected to Mr. M.C.J. de Schepper, who has been appointed as a complaints officer.
2. The complaints officer informs the responsible lawyer or employee about the complaint and/or the acceptance of the complaint and will give both the plaintiff and the responsible lawyer or employee the opportunity to clarify the complaint.
3. The lawyer or employee concerning the complaint will try the outmost together with the client to settle the complaint, whether or not any intervention by the complaints officer has been offered. If any settlement will be accomplished, this settlement agreement will be filed in written and on a clear and distinctive matter. If this is the case the plaintiff, the complaints officer and the lawyer or employee whom it may concern, will confirm their permission to the settlement agreement.

4. In the event the complaint has not been settled on the way as mentioned in aforementioned in clauses 5.1 or 5.3, the complaints officer will settle the complaint within four weeks after receiving the complaint or will inform plaintiff with the reasons on which they are based and provide an extra term under which a judgement of the complaint will be expected.

5. The complaint officer informs the plaintiff in written about the judgement and validity of the complaint, whether or not together with recommendations.

6. If the complaint has been settled to mutual satisfaction, the plaintiff, the complaint officer and the lawyer or employee whom it concerns will sign the written judgement about the validity of the complaint.

#### **Article 6 disclosure and complaints are free of charge**

1. The complaints officer and the lawyer or employee who is responsible for the complaint will maintain discretion.

2. Treatment of complaints are free of charge for the plaintiff.

#### **Article 7 responsibilities**

1. The complaints officer is responsible for a timely settlement of the complaint.

2. The lawyer or employee whom it concerns will inform the complaints officer about any possible contact with the plaintiff and about any possible solution for a settlement.

3. The complaints officer will inform the plaintiff about the treatment of the complaint.

4. The complaints officer will file the complaint.

#### **Article 8 complaint registration**

1. The complaints officer registers the complaint including the classification of the topic.

2. A complaint can be classified into various topics.

*3. The complaints officer reports from time to time about the treatment of complaints and makes recommendations to avoid both new complaints and to improve the complaints procedures.*

*4. At least once a year the complaints and recommendations made by the complaints officer will be discussed and will be submitted to the board of the office.*

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