

## **Complaints and Dispute Settlement Procedure for the Legal Profession**

**Dirkzwager N.V.**

### **Foreword**

#### **Are you dissatisfied with our Services?**

Our office will make every effort to ensure you get the best possible service. Nevertheless, it may happen that you are dissatisfied with a particular aspect of our services. In this brochure we will explain our complaints procedure.

#### **Our internal complaints procedure.**

If you are dissatisfied with the quality of our services or with our fee statement, you are requested in the first instance to contact the relevant lawyer at Dirkzwager. You may also refer your complaint to the complaints officer at our office.

This lawyer will make every effort in consultation with you to find a solution to the problem that has arisen on the basis of the Dirkzwager Complaints Procedure for the Legal Profession, which you will find at the end of the document.

In the unlikely event that the outcome of this consultation is not to your satisfaction, you can apply to the Disputes Committee for the Legal Profession. You can take this course of action provided you have first contacted our office with your complaint. This course is also open to you in the event that our office has not responded to your complaint in writing within a period of four weeks of you submitting your complaint.

#### **Disputes Committee for the Legal Profession.**

Our office is affiliated to the Disputes Committee for the Legal Profession.

This Disputes Committee was established on 1 June 1999 and is accountable to the Foundation for Consumer Complaints Boards (SGC) and for Businesses and Professions (SGB) in The Hague, The Netherlands.

Complaints to the Disputes Committee for the Legal Profession should be submitted within 12 months of the date on which our office concluded the complaints procedure in writing.

The Disputes Committee for the Legal Profession issues its findings in the form of an arbitral award on behalf of business clients or in the form of a binding opinion if the party filing the dispute is a private client.

The Disputes Committee for the Legal Profession is authorised to examine complaints relating to the quality of the services provided by the lawyer and the amount of the fee charged. You may also believe that you are entitled to compensation. The Disputes Committee for the Legal Profession is also authorised to hear claims for compensation of up to a maximum of EUR 10,000. Higher claims for compensation

may only be submitted to the Disputes Committee for the Legal Profession providing you expressly restrict the amount of the claim to a maximum of EUR 10,000, and waive any excess in writing.

Our office is entitled to contact the Disputes Committee for the Legal Profession unilaterally in relation to unpaid invoices.

The Disputes Committee<sup>1</sup> hears the dispute in accordance with the Legal Profession Disputes Committee Regulations applicable at the time that the complaint has been filed with the

Disputes Committee. Decisions of the Disputes Committee for the Legal Profession are final and non-appealable.

The Secretary, Disputes Committee for the Legal Profession Bordewijklaan 46 (2nd Floor)

2591 XR The Hague The Netherlands

Tel. +31 (0)70 - 310 53 10

P.O. Box 90600 2509 LP The Hague

**How do you contact the complaints officer at our office?**

Your lawyer will inform you on request who is currently in charge of processing complaints and provide you with his or her contact details. In the absence of the complaints officer your complaint will be dealt with by the deputy complaints officer. Further information on the (deputy) complaints officer is also available on the Dirkzwager website: [www.dirkzwager.nl](http://www.dirkzwager.nl) under Complaints Procedure.

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<sup>1</sup> The statutory supervision and disciplinary law guarantees a proper professional conduct on the part of the lawyers. A different procedure is followed by the Disputes Committee for the Legal Profession: this is designed to resolve differences of opinion that arise in relation to the quality of the services and/or the financial aspects thereof, and is without prejudice to the legal guarantees.

## **Dirkzwager advocatuur complaints procedure**

### **Article 1 definitions**

**In this office complaints procedure, the terms below are defined as follows:**

- complaint: any written expression of dissatisfaction by or on behalf of a client concerning the lawyer or persons active under his responsibility in connection with the formation and performance of a contract for services, the quality of the services or the amount of the invoice, not being a complaint as referred to in paragraph 4 of the Counsel Act;
- complainant: the client or the client's representative who makes a complaint;
- complaints officer: the lawyer charged with handling the complaint;
- Dirkzwager: the public limited company Dirkzwager N.V. whose object is practising law, including the legal practice, the notarial practice and tax consultancy.

### **Article 2 scope**

1. This office complaints procedure applies to all contracts for services concluded between Dirkzwager and clients relating to the provision of services by one or more Dirkzwager lawyers.
2. All Dirkzwager lawyers handle complaints in accordance with this complaints procedure.

### **Article 3 objectives**

This office complaints procedure has the following objectives:

- a. to set out a procedure for handling complaints from clients within a reasonable period in a constructive manner;
- b. to set out a procedure for identifying the underlying causes of the client's complaint;
- c. to maintain and improve existing relationships via a satisfactory handling of complaints;
- d. to train staff how to respond to complaints in a client-orientated manner;
- e. to improve the quality of the services on the basis of complaints handling and complaints analysis.

### **Article 4 information upon commencement of the provision of services**

1. This office complaints procedure has been published. The lawyer informs the client before conclusion of the contract for services that the firm applies an office complaints procedure and that it applies to the services.
2. If so desired, complaints as referred to in article 1 of this complaints procedure that have not been resolved after they have been handled may be submitted to the Disputes Committee for the Legal Profession, with which Dirkzwager is affiliated, by the complainant or Dirkzwager.

### **Article 5 internal complaints procedure**

1. In the event a client contacts the firm with a complaint, the complaint will be forwarded to complaints officer:

- Mr. H.A. Kragt (Postbus 111, 6800 AC Arnhem, [kragt@dirkzwager.nl](mailto:kragt@dirkzwager.nl))
  - Mr. drs. P. Bergkamp (Postbus 55, 6500 AB Nijmegen, [bergkamp@dirkzwager.nl](mailto:bergkamp@dirkzwager.nl))
2. The complaints officer notifies the person in respect of whom a complaint was submitted of the submission of the complaint and affords the complainant and the person in respect of whom the complaint was submitted to provide an explanation concerning the complaint.
  3. The person in respect of whom a complaint was submitted will attempt to find a solution in consultation with the client, with or without intervention on the part of the complaints officer.
  4. The complaints officer will attempt to find a solution that is acceptable to both the complainant and the person in respect of whom a complaint was submitted.
  5. The complaints officer does not act as arbiter and can only mediate and make recommendations.
  6. The complaints officer handles the complaint within four weeks after receipt of the complaint or notifies the complainant of a deviation from this term while stating the reasons therefore and indicating the term within which an opinion will be provided concerning the complaint.
  7. The complaints officer notifies the person in respect of whom a complaint was submitted in writing of the opinion concerning the validity of the complaint, which opinion may or may not be accompanied by recommendations.

#### **Article 6 confidentiality and complaints handling free of charge**

1. The complaints officer and the person in respect of whom a complaint was submitted will observe confidentiality as regards the internal complaints handling.
2. The complainant does not owe a fee in connection with the costs of handling the complaint.

#### **Article 7 responsibilities**

1. The complaints officer is responsible for the timely handling of complaints.
2. The person in respect of whom a complaint was submitted keeps the complaints officer informed of direct contact with the complainant concerning a possible solution.
3. The complaints officer keeps the complainant informed of the handling of the complaint.
4. The complaints officer maintains a complaints file.

#### **Article 8 complaints registration and recommendations provided by the complaints officer**

1. The complaints officer registers the complaint stating the subject of the complaint.
2. A complaint may be classified in different subjects.
3. The complaints officer reports to the Dirkzwager board on a regular basis regarding the handling of complaints and makes recommendations for the purpose of preventing new complaints and to improve procedures.
4. The reports and recommendations of the complaints officer are discussed within Dirkzwager at least once per year.