

Complaints procedure Hofwijck advocaten

Article 1 Definitions

For the purpose of this Complaints procedure the following definitions shall apply:

- *lawyer*: J.L.G.M. van der Lans, LL.M. **or** A.J. Franken, LL.M.;
- *lawyer-colleague*: the colleague of the lawyer, who is not the lawyer acting for the client;
- *cliënt*: the natural or legal person who instructs a lawyer, or has instructed a lawyer, to perform services and/or (other) activities;
- *complaint*: every statement of discontent in writing from or on behalf of the client to the lawyer or any person working on the lawyer's behalf in respect of the concluding of and/or the performance of the services under the contract for services between the lawyer and the client, the quality of the services or the fee statement, excluding a complaint pursuant to article 4 of the Counsel Act (*Advocatenwet*);
- *complainant*: the client or its authorised representative who submits a complaint;
- *complaints officer*: the lawyer who is in charge of complaint handling.

Article 2 Application

1. This Complaints procedure shall apply to all agreements for services between the lawyer and the client.
2. Every lawyer is obliged to adhere strictly to the Complaints procedure.
3. The complaints officer will make every effort to handle a complaint in accordance with this Complaints procedure.
4. A complaint shall be submitted writing and it shall be sent to the lawyer or to the complaints officer. A complaint which is submitted by e-mail is considered a complaint in accordance with this Complaints procedure.

Article 3 Purpose

The purpose of this Complaints procedure is:

- a. to describe the procedure for proper and professional handling of complaints in a timely manner;
- b. to describe a procedure for investigating the cause of complaints;
- c. maintaining and improving existing relations with clients through professional complaints handling;
- d. improvement of the quality of the services based on analysis of complaints.

Article 4 Information before the start of the services

1. This Complaints procedure is publicly available and it can be reviewed on the website www.hofwijckadvocaten.nl. The lawyer informs the client about the existence of this Complaints procedure and he confirms that the Complaints procedure shall apply to the agreement for services and to all services that are or will be provided by the lawyer.
2. The lawyer informs the client in the general terms and conditions and/or in the engagement letter which independent authority shall have jurisdiction in case no settlement can be reached about a complaint.

3. Complaints which are not solved to the satisfaction of the complainant after completion of the complaints handling procedure may be submitted to the civil court. The competent court in The Hague, The Netherlands, has exclusive jurisdiction in respect of any complaint or claim against a lawyer. Claims can not be made against the firm or against the lawyer-colleague: proceedings may only be initiated against the lawyer. Complainant must be aware that in some cases representation in court by a lawyer (attorney) is compulsory. Further, anyone who initiates proceedings with the civil court shall incur costs such as (but not limited to) court fees, cost of the bailiff, costs of a lawyer (if applicable) etc.

Article 5 Complaints handling procedure

1. If a complaint has been submitted in accordance with article 2 paragraph 4 as described above, then the lawyer shall send the complaint to the lawyer-colleague as soon as possible. The lawyer-colleague shall act as complaints officer with respect to such complaint. If the lawyer-colleague receives a complaint about a lawyer then the lawyer-colleague shall act as complaints officer.
2. The complaints officer confirms the receipt of the complaint to the complainant in writing and he introduces himself as the complaints officer.
3. The complaints officer gives both the complainant and the lawyer the opportunity to give an explanation of and/or to respond to the complaint respectively.
4. The complaints officer shall use reasonable best efforts to try to reach an amicable settlement between the complainant and the lawyer.
5. The complaints officer shall use best efforts to complete the complaints handling procedure within 4 weeks after receipt of the complaint. If this is not possible then the complaints officer shall inform the complainant accordingly and he shall also give an indication of the time which is needed for handling of the complaint.
6. If no settlement can be reached between the complainant and the lawyer following which the complaint is withdrawn, then the complaints officer will decide on the validity of the complaint.
7. The decision of the complaints officer shall be made in writing with the considerations for the decision and it shall be sent to the complainant and to the lawyer. In case the complaint is considered not valid or it is rejected, then the complaints officer informs the complainant about the possibility to initiate proceedings as described in article 4 paragraph 3 above.

Article 6 Confidentiality and free complaints handling

1. The complaints officer and the lawyer shall keep all information about a complaint confidential. The complainant shall also keep all information about a complaint strictly confidential. This means that complainant shall not involve the press or share any information about the complaint on social media or otherwise until the complaints handling procedure has been completed.
2. A complaint can be made free of charge. No costs shall be charged to the complainant for handling of the complaint.

Article 7 Responsibility

1. The complaints officer is responsible for the timely handling and completion of complaints.
2. The lawyer who is the subject of a complaint shall fully co-operate with the complaints officer.
3. The complaints officer shall keep the complainant informed about the progress of the handling of the complaint.
4. The complaints officer shall keep a file for each complaint. The complaints officer shall also keep a record of all complaints.

Article 8 Registration of complaints and evaluation

1. The complaints officer keeps record of a complaint together with the subject of the complaint, details of the complainant and all other information which may be relevant for the complaints handling.
2. The lawyers shall evaluate any complaints and the handling of the complaints on yearly basis. To the extent possible the working procedures and the services of the lawyers will be improved based on the outcome of complaints handling.

version 1.1 January 2016 copyright©2016 Franken - all rights reserved

In the event that the interpretation of this Complaints procedure leads to a dispute, the Dutch text shall take precedence.