

Request to review decision to dismiss complaints CAS014655 CAS014772

1. I am asking to review the decision not to investigate my complaint as my complaint handling was not fair and the complaint was dismissed incorrectly without proper consideration of provided information.
2. These complaints were about the actions of Ms de Luca-Leonard and Ms Campbell and their fees.

Misconduct

3. Psychologist Vanitha Moodley and solicitor Timothy Ceballos, both acting for QBE insurance, provided incorrect statements. Ms de Luca-Leonard promised to dispute them. I provided information about incorrect statements. Ms de Luca-Leonard then did not dispute incorrect statements in the following litigation. She also provided some incorrect and misleading advice.
4. Ms Campbell, who advised Ms de Luca-Leonard on this claim, prepared statements for the PIC and also failed to dispute the incorrect mentioned above.
5. The OLSC response starts with information from the PIC assessment conference, but it is not a part of the complaint. I do not know where the information is coming from. It has nothing to do with complaints.
6. The reasoning elaborates that "This Office does not have the power to review, consider, reverse or overturn the decision made by PIC". This is not a part of the complaint.
7. The decision and reasoning to dismiss this complaint focuses only on the PIC Assessment Conference that was held after Ms de Luca-Leonard resigned from the case. However, this is not a part of the complaint. The reasoning concludes that it can not analyse actions and determination of PIC assessor, but this again is not a part of the complaint.
8. The complaints have clear goals: "3. I believe some of her actions are unprofessional and at least negligent. I hope you will take appropriate action." I am asking to assess Ms de Luca-Leonard and Ms Campbell actions and to take appropriate disciplinary actions.
9. I disagree with the OLSC arguments:
 - a. The OLSC is exactly the organisation that has authority to assess solicitors actions.
 - b. The PIC has no authority to assess solicitor actions (evaluate validity or of their statements); they only assess the conditions of injured persons by taking into account all the provided information. The PIC decisions do not provide any information on how deceptive or misleading were statements by solicitors.
 - c. I was informed by the PIC, the OLSC and my solicitors that the OLSC is the organisation to complain about legal representation misconduct.
 - d. The PIC does not have information about internal communications between me and my legal representative. There is no way to provide it to PIC.
 - e. The OLSC decision did not take into account factual evidence provided about incorrect actions by de Luca-Leonard and Campbell.
 - f. The OLSC decision incorrectly focussed on compensation assessed by PIC, while this complaint is about accountability of solicitor and barrister actions.
10. **The OLSC failed to properly assess my complaint and dismissed it for the reasons that are not part of my complaint. I am asking to review their decision.**

Fees

11. I have no win no fee contract with Ms de Luca-Leonard. My understanding was that the deadline for application is from the time when I receive the money from the compensation claim. If the OLSC can not order for the fees to be reduced maybe it still can take into account that fees have been exaggerated especially when service was not properly provided and take appropriate disciplinary actions.

Kind regards,
Dr Alfonsas Stonis
2024-09-24

