

Private and Confidential

Dr Alfonsas Stonis

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File References: CAS016109 _2

26 August 2024

Dear Dr Stonis

Complaint by Alfonsas Stonis about Peter Livers

I write to you regarding your complaint about Mr Peter Livers received on 19 February 2024.

Background to your complaint

You state that you were involved in a traffic accident on 30 March 2015.

I note that a Certificate of Determination dated 3 July 2023 from the Personal Injury Commission (PIC) assessed your damages at \$410,929.40 as well as legal costs and disbursements in the sum of \$41,319.20.

I further note that you accepted the above award and provided a signed statement in that regard on 27 August 2023. Under cover of his email dated 19 December 2023, Mr Livers informed you that he had received the amount of \$378,988.78 into his trust account on your behalf.

Your complaint about Mr Livers

It appears that you engaged Mr Livers sometime in January 2023 after your engagement with your previous legal representatives Ms De Luca and Ms Campbell ended.

Broadly, you also dispute the quality of service provided and allege that Mr Livers was negligent in your matter in that he misrepresented you in the PIC Assessment Conference.

It appears that you have not yet actually received an invoice from Mr Livers but have lodged the complaint about Mr Livers on a pre-emptive basis where it appears you already anticipate that you will dispute Mr Livers' legal fees.

In your complaint, you state *"If I understand correctly OLSC can consider a complaint about solicitor's fees only within 60 days after request for payment has been made. I do not think this is a request for payment as it is too early to pay. I think first we need to complete work related to my claim and then we can estimate and negotiate his fees. However, to be on the safe side I will submit this complaint to OLSC about Peter Livers."*

My decision and reasons

I do not consider it appropriate to take your allegations regarding Mr Livers further noting the following circumstances:

1. Your claim has already been finalised and a Certificate of Determination has been issued. This Office does not have the power to review, consider, reverse or overturn the decision made by PIC.
2. PIC was the appropriate forum to consider the factual and legal issues in your claim and the complaints process through my Office is not a forum to reventilate issues that have already been determined during the PIC Assessment Conference.
3. I note you have already accepted the abovementioned award and signed a Statement to that effect. I note that it would have been open to you to submit any concerns you might have had to PIC.

While it is not my role to review the determination made in your matter I observe that it appears that Mr Macken addressed in detail various contentious issues such as your employment and medical histories (including consideration of the relevant doctors' reports from Dr Moodley, Dr Sutton, Dr Roberts etc) in the periods preceding and following the motor vehicle accident.

I note that if you consider Mr Livers was negligent in his representation of you it would be open to you to seek advice about any civil remedies that may be available to you in an action in professional negligence. My Office cannot assist in such claims or provide legal advice.

I have reviewed Mr Livers' correspondence dated 15 December 2023. It appears that Mr Livers provided his estimate based on a Schedule of Costs and informed you that out of the fees of \$41,319.30 awarded, less his fees of \$31,701.07, you would be expected to receive \$9,618.23 *"in respect of medical report fees paid by you and legal costs for your former solicitors who arranged the medical disputes appointment with the Personal Injuries Commissioner..."*

In circumstances where it appears that you have submitted this complaint about Mr Livers in the absence of an actual invoice and it appears that the amount of costs being charged

may still to be established, I do not consider it appropriate to take any dispute about costs further at this time.

Conclusion

It is my view that this Office can be of no further assistance to you and the complaint about Mr Livers is closed.

Please refer to Fact Sheet 1 previously provided to you should you require more information about the complaint handling process.

You may also access Fact Sheet 1 on our website at www.olsc.nsw.gov.au.

A copy of this closing letter has been forwarded to Mr Livers for his record.

Thank you for taking the time to alert me to your concerns.

Yours sincerely

A handwritten signature in cursive script that reads "Samantha Gulliver".

Samantha Gulliver
NSW Legal Services Commissioner