

OFFICE COMPLAINTS PROCEDURE
VAN HARTINGSVELDT | SCHÖNHAGEN | OSSENTJUK | ADVOCATEN | MEDIATORS
version May 2021

Article 1. Definitions

- 1.1 In this office complaints procedure, the following terms will have the following meanings:
- a. complaint: every written expression of displeasure by or on behalf of the client vis-à-vis the lawyer or the persons working under his/her responsibility about the conclusion and performance of a letter of engagement, the quality of the services or the amount of the invoice, not being a complaint within the meaning of paragraph 4 of the Counsel Act [*Advocatenwet*];
 - b. complainant: the client or his/her representative who makes a complaint known;
 - c. complaints officer: the lawyer who is charged with handling the complaint.

Article 2. Scope of application

- 2.1 This office complaints procedure applies to every letter of engagement between Van Hartingsveldt Schönhausen Ossentjuk advocaten mediators and the client.
- 2.2 Every lawyer of Van Hartingsveldt Schönhausen Ossentjuk advocaten mediators must ensure that complaints are handled in conformity with the office complaints procedure.

Article 3. Objectives

- 3.1 The objective of this office complaints procedure is:
- a. to lay down a procedure by means of which client complaints can be handled within a reasonable term and in a constructive manner;
 - b. to lay down a procedure for establishing the causes of client complaints.

Article 4. Information on commencement of services

- 4.1 Before a letter of engagement is entered into, the lawyer will inform the client that an office complaints procedure is in place, and that this procedure applies to the services provided. The lawyer will also point out that the office complaints procedure is part of the general terms and conditions applicable to the services provided. This obligation applies exclusively to letters of engagement entered into on or after 1 January 2015. (Effective date *Wet toezicht en positie advocatuur* [Act on Supervision and Position of the Legal Profession] and *Verordening op de advocatuur* [Legal Profession Regulations]).

Article 5. Internal complaints procedure

- 5.1 If a client approaches the firm with a complaint, the complaint will be forwarded to mr. M.A. Ossentjuk, who accordingly acts as complaints officer. If the complaint concerns the actions of mr. M.A. Ossentjuk, the complaint will be forwarded to mr. C.M. Schönhausen who accordingly acts as complaints officer.
- 5.2 A substantiated complaint must be submitted in writing within a reasonable term.
- 5.3 The complaints officer will inform the person complained against (hereinafter: the subject) that the complaint was submitted and will give the complainant and the subject the opportunity to explain the complaint.
- 5.4 The complaints officer will handle the complaint within a month after receipt of the complaint or will inform the complainant, stating reasons, why this term is being deviated from and state the term within which an opinion on the complaint will be given.
- 5.5 The complaints officer will inform the complainant and the subject in writing about the opinion on the merits of the complaint, with or without recommendations.
- 5.6 The complaints officer will not act as arbitrator and may only mediate or make recommendations.

Article 6. Confidentiality and complaints handling

- 6.1 The complaints officer and the subject must observe confidentiality with regard to the handling of the complaint.
- 6.2 Each party bears its own costs with regard to the handling of the complaint.

Article 7. Responsibilities

- 7.1 The complaints officer is responsible for a timely handling of the complaint.
- 7.2 The subject must keep the complaints officer informed about possible contact with the complainant and a possible solution.
- 7.3 The complaint officer will keep the complainant informed about the handling of the complaint.
- 7.4 The complaint officer will keep the complaint file.

Article 8. Complaint registration

- 8.1 The complaint officer will register the complaint, stating the subject of the complaint.
- 8.2 A complaint can be classified into several subject matters.

Article 9. Submission of complaint to the district or disciplinary court

9.1 Complaints within the meaning of article 1 of this office complaints procedure which, after handling, have not been resolved within a month after the end of the phase of the procedure involving the complaint officer, may – depending on the contents of the complaint – be submitted to either the district or disciplinary court.

version May 2021

