

Reporting on recent complaints

The following complaint matters have recently been dealt with by the Law Society.

1. The Law Society recorded a finding of unprofessional conduct against **Practitioner A** for failing to follow his client's instructions in that the practitioner failed to follow up the Health Insurance Commission for the release of funds following settlement in a personal injury case, in breach of Professional Conduct Rule 10A.5.

The practitioner was admonished.

The practitioner was also fined 10 penalty units (\$1100) for failing to respond in a timely manner to the Society's requests for information, in breach of Professional Conduct Rule 32.2.

2. The Law Society recorded a finding of unprofessional conduct against **Practitioner B** for rendering a final bill in the sum of \$1738 and subsequently rendering a substitute bill in the sum of \$8008 because of the client's "unreasonable attitude" in disputing the earlier bill, in breach of s.44(1)(a) of the Legal Practitioners Act.

The practitioner was admonished.

3. The Law Society recorded a finding of unprofessional conduct against **Practitioner C** for failing to keep his client's advised of the progress of their case, failing to communicate and respond to faxes sent by the clients, failing to report to the clients orders made by the Court and failing to attend on a court appearance, in breach of (the old) Professional Conduct Rules 9.3, 9.4 and 9.7 and the general principles of conduct set out in s.44(1)(a) of the Legal Practitioners Act.

The practitioner was fined 10 penalty units (\$1100).

4. The Law Society recorded a finding of unprofessional conduct against **Practitioner D** for failing to communicate with his client in breach of Professional Conduct

Rule 10A.2.


The practitioner was required to engage the services of risk management consultants to review and advise on the practitioner's management practices and a penalty of 20 units (\$2200) was imposed.

5. The Law Society recorded a finding of unprofessional conduct against **Practitioner E** for acting against a former client (the wife) by accepting a retainer from the husband in a disputed matrimonial matter, where the practitioner had previously settled property orders for the husband and wife jointly, in breach of Professional Conduct Rule 3.

No further action was taken.

A further matter was raised as a result of the above investigations which should be noted by all practitioners. In one matter the practitioner had used old draft documents from another client file as note paper on the complainant's file. Whilst it was found in that case there was no actual breach of confidentiality, the possibility of a confidential breach was a real one eg where the complainant client called for the file and either originals or copies of the other client's draft documents were, inadvertently or carelessly, given to the complainant. Practitioners are advised to exercise caution in these circumstances.

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