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# Disciplinary Matters 2006- 2007

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## PRACTITIONER A

On 30 March 2006 the Council determined that

1. the practitioner has breached Professional Conduct Rule 10.1A in that she failed to exercise due diligence in providing an itemised account to her client within a reasonable time following his specific request and was guilty of delay, (over 5 months) and
2. the practitioner was fined 5 penalty units (\$550.00).

## PRACTITIONER B

On 25/5/06 the Law Society Council found the practitioner guilty of unsatisfactory conduct in that she failed to inform the complainant in writing in accordance with Chapter 9 of the Family Court Rules concerning costs or, in the alternative, enter in to a Costs Agreement, the purpose of such being required by the Rules to avoid costs disputes of this nature. The practitioner was admonished.

## PRACTITIONER C

On 25/5/2006 the Law Society Council found the practitioner guilty of unsatisfactory conduct in that she breached a fundamental principle at common law and statute (LPA, section 44(1)(a)(ii)) ie the requirement that a legal practitioner must not engage in or assist in conduct that is calculated to defeat the course of justice or otherwise results in a breach of the law. In this case the practitioner was found to have put her personal requirements above that which she owed to the law, in circumstances where a reasonable person, and in particular a legal practitioner, would have expected the inevitable consequences which did in fact occur. In her personal dealings with the complainant the complainant invited him to breach the terms of a restraining order, thereby causing him to incur criminal penalties as a result.

The practitioner was admonished.

## PRACTITIONER D

On 29/6/06 the Law Society Council found the practitioner guilty of unsatisfactory conduct in that he breached:

- a. Professional Conduct Rule 1.1 in that he failed to act with competence and diligence in the service of the client in a conveyancing matter and

- b. Professional Conduct Rule 10A.2 in that he failed to do the work he was retained to do in a timely manner.

The practitioner made partial restitution of fees, and was fully co-operative with the investigations. The practitioner was admonished.

## PRACTITIONER E

On 22/2/07 the Council made the following determination:

1. That the practitioner be found guilty of unsatisfactory conduct in that he breached:
  - i. Professional Conduct Rule 1.1 in that he failed to act with diligence in the service of the client and
  - ii. Professional Conduct Rule 10A.1 in that he failed to keep the client informed at regular intervals or upon request of the progress or lack of progress toward the resolution of the client's matter.

The practitioner was admonished.

## PRACTITIONER F

On 22/2/07 the Council made the following determination:

1. That the practitioner be found guilty of unsatisfactory conduct by threatening to sue a complainant for defamation for making a complaint to the Law Society contrary to s. 44(1)(c)(iv) of the Legal Practitioners Act and the public interest.
2. That the practitioner be admonished pursuant to section 47(1)(c) of the Legal Practitioners Act.

## PRACTITIONER G

The complaint was referred to the Society by the Master concerning inadequate reporting of the trust account. On 25/1/07 the Council made the following decision:

1. That each of the partners of the legal practice be found guilty of unsatisfactory conduct for breaching sections 63(3) and 64 of the Legal Practitioners Act 1979 in relation to a number of unallocated trust account deposits during 2005 and 2006 and,
2. that each of the partners of the practice admonished and,