

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 015/06

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: DIANNE MAY EDWARDS

ORDER

Before: Mr P Cooper, assisted by Mr W LeMass and Ms P Frampton

Date: 11 December 2006

Basis of Judgement: Originating application filed on 20 September 2006

THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:

The Respondent is a 55 year old solicitor. She was admitted to practice as a solicitor of the Supreme Court of Queensland on 7 November 1986. She is not currently practicing as a solicitor having filed for bankruptcy and ceased practice in November 2006 and has had a sequestration order made against her estate.

The charges brought against the Respondent are two, the first charge relates to a breach of an undertaking in that Trust Funds were dealt with contrary to the undertaking given by the Respondent. The second charge relates to breaches of Trust Account Regulations (Regulation 21 of the Trust Accounts Regulation 1999) in that certain transactions were effected not by journal entry.

There has been filed a Statement of Agreed Facts which sets forth the particulars of each charge.

The Committee finds the two charges proved, and the respondent's conduct as detailed in the two charges amounts to unsatisfactory professional conduct under section 244. The conduct complained of fell short of the standard of competency and diligence that a member of the public is entitled to expect of a reasonably competent legal practitioner.

In determining what penalty should be imposed the Committee has taken into account the following:

- a. undertakings are not to be given lightly;
- b. practitioners have a duty to ensure that their undertakings are honoured;
- c. as a sole practitioner and trustee the practitioner had a duty to ensure that all trust transfers were conducted in accordance with the relevant regulations.

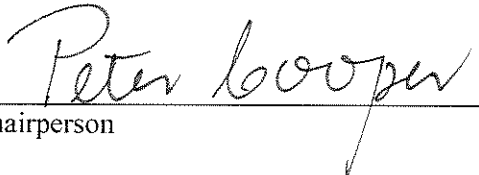
In the Respondent's favour the Committee notes:

- a. the Respondent has no previous findings by a disciplinary body;
- b. the Respondent co-operated fully with the Queensland Law Society during investigations;
- c. the Respondent voluntarily disclosed the matters, the subject of charge number two to the Queensland Law Society during the investigation;
- d. the Respondent indicated to the Commission at an early stage that she would not be contesting the application;
- e. the conduct was not deliberate, but rather occurred because of the failure of office systems;
- f. the Respondent undertook steps before she ceased practice to ensure that a similar breach would not occur again in the future;
- g. no loss was occasioned to any party as a result of the Respondent's conduct.


In this case the Committee is of the opinion that a pecuniary penalty would not be appropriate given the impecunious circumstances of the Respondent.

The following are the findings and orders of the Committee:

1. A finding that charge number one and charge number two are established and the conduct giving rise to those charges involved unsatisfactory professional conduct.
2. That the respondent within six months of recommences practice undertake and successfully pass the trust accounting module conducted by the Queensland Law Society. If the respondent does not comply with this order the Queensland Law Society may ask her to show cause as to why her practicing certificate should not then be suspended.
2. An order publicly reprimanding the Respondent which is hereby administered.
3. There is no order as to penalty and no order as to costs.



 Chairperson



 Date