

**LEGAL PRACTICE COMMITTEE OF QUEENSLAND**

**OFFICE:** Brisbane  
**NUMBER:** 014/06

**Applicant:** LEGAL SERVICES COMMISSIONER

**AND**

**Respondent:** JANET IRENE WILLIAMSON

**DISCIPLINE APPLICATION**

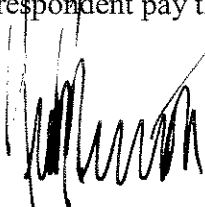
**A. DETAILS OF APPLICATION**

This application is made under section 276 of the *Legal Profession Act 2004* ("Act").

On the facts stated in the particulars of charge set out below, the applicant seeks the following orders:

1. Pursuant to section 282 of the Act that the respondent is guilty of unsatisfactory professional conduct.
2. Such further or other orders or directions as may be just.
3. The respondent pay the applicant's costs of the application.

Signed:



Description: Legal Services Commissioner

Dated:

20/09/06

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## B. PARTICULARS OF CHARGE

The Commissioner alleges that the following charge constitutes unsatisfactory professional conduct:

1. On or about 11 November 2004, the respondent breached section 8 of the *Trusts Accounts Act 1973*.

### Particulars

1.1 At all material times, the respondent:

- (a) was a legal practitioner;
- (b) was the sole principal of the law practice of Janet Williamson, Solicitor;
- (c) acted on behalf of Ms Jenkins in a property dispute against her former de facto partner, Mr Jones.

1.2 In June 2004:

- (a) Ms Jenkins was represented by Kingston & Stanton Lawyers;
- (b) Ms Jenkins was the owner of property described as Lot 2 on RP 155259 ("the property");
- (c) Mr Jones was represented by Baker O'Brien Toll, Solicitors.

1.3 On or about 2 July 2004, Mr Jones lodged a caveat in respect of the property.

1.4 On or about 14 July 2004:

- (a) In order to facilitate the removal of the caveat, an agreement was reached between the parties that the sum of \$20,000.00 would be held in trust by Ms Jenkin's solicitor until agreement between the parties in respect of the property dispute, or order of the Court.
- (b) In accordance with the terms of the agreement:
  - (i) Mr Jones released the caveat;
  - (ii) the amount of \$20,000.00 was paid into the trust account of Kingston & Stanton.

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(c) Ms Jenkins retained the respondent to act on her behalf in respect of the property dispute.

1.5 On 19 July 2004, the respondent forwarded a letter to Baker O'Brien Toll which stated, inter alia:

*"In the meantime, I am to hold \$20,000.00 in my trust account on condition that it is only to be released on the consent of both parties."*

1.6 The sum of \$20,000.00 was subsequently forwarded to the respondent's trust account.

1.7 By letter dated 11 November 2004 the respondent advised Baker O'Brien Toll that, inter alia:

*(f) I have drawn \$4983.67 from trust account today to pay out the loan as no insurance is available.*

1.8 The respondent did not obtain the consent of Mr Jones before making the payment from her trust account.

1.9 The respondent's payment of \$4,983.67 from her trust account was in breach of section 8 of the *Trusts Accounts Act 1973*.

\* \* \*

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### C. TO THE RESPONDENT

Ms Janet Williamson  
C/- Mr D. Searles  
Deacons  
Level 17, 175 Eagle Street, Brisbane in the State of Queensland.

This application will be heard by the Committee at a time and date to be fixed.

Filed with the Committee on 20 / 9 / 2006

Secretariat:

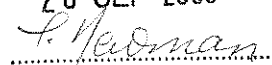


If you wish to contest this application, or to make submissions on penalty, you must lodge a Notice of Address for service with the Secretariat within fourteen [14] days of service of this application on you. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. If you fail to file a Notice of Address for service with the Secretary within fourteen [14] days of service of this application on you, the matter will be heard in default of your appearance, on a date to be fixed being not less than twenty one [21] days after service of this application on you.

### D. SERVICE

#### APPLICANT'S ADDRESS FOR SERVICE:

Name:	Legal Services Commission
Applicant's business address:	Level 25, 307 Queen Street. Brisbane Qld 4000
Address for service:	As Above
DX:	DX 40118 Brisbane Uptown
Telephone:	(07) 3406 7737
Fax:	(07) 34067749
E-mail address:	<a href="http://www.lsc@lsc.qld.gov.au">www.lsc@lsc.qld.gov.au</a>

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