

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 009/05

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: PAUL MICHAEL VOLL

ORDER

Before: Mr M Conroy, assisted by Mr W LeMass and Ms B Russell

Date: 26 March 2007

Basis of Judgement: Originating application filed on 13 October 2005

THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:

In relation to the findings, the Committee notes the practitioner has admitted that the failure to lodge the report constitutes unprofessional conduct and, by inference, has entered a plea to that charge. The Committee finds that, in fact, the failure to lodge the report does amount to unprofessional conduct. The Committee notes that there has been an agreed statement of facts.

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

- (a) that it has found the charge proved and that it constitutes unprofessional conduct;
- (b) it has regard to the previous matters which the Solicitor's Complaints Tribunal has dealt with in respect to the respondent which related to a failure to answer correspondence and, although not directly related to the present charge, indicated lack of attention to detail which appears to have been carried over into the present proceedings;
- (c) the statement of agreed facts, in particular, paragraph 5, that the Queensland Law Society drew the practitioner's attention to the necessity to lodge the audit report and certificate on the following dates – 18 August 2004, 27 August 2004, 23 September 2004,

ORDER
Filed on behalf of the Applicant
Form 59rr661

Legal Services Commission
Level 25, 307 Queen Street
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LEGAL PRACTICE COMMITTEE OF QUEENSLAND

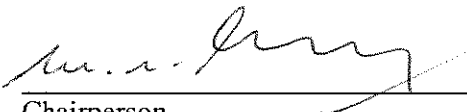
27 October 2004, 6 December 2004 and 11 February 2005. The Committee notes that any practitioner receiving correspondence of that nature should have been alerted to the necessity to take appropriate steps, drastic or otherwise, to ensure that the report was filed in accordance with the practitioner's obligations under the Trust Account Act;

- (d) the significant submissions on behalf of the respondent which refer to the chronology of matters which are clearly set out in the respondent's affidavit. Those matters appear not to have been in dispute in any way by the Commissioner;
- (e) the affidavit from Mr Wilson which indicates that the audit was conducted, completed and lodged with the Queensland Law Society on 22 March 2005.

Having regard to those circumstances and having regard to the fact that there was no inference or charge of dishonesty that the practitioner took reasonable steps but, in all circumstances, not appropriate steps to address the issue, the Committee finds that the matter can properly be addressed by issuing a public reprimand and an order for costs.

The orders of the Committee will be:

1. a finding that the charge is established and that it involves unsatisfactory professional conduct;
2. an order publicly reprimanding the respondent which is hereby administered;
3. an order that the respondent pay the applicant's costs to be agreed or assessed within 30 days of such agreement or assessment being completed;
4. the Committee orders that if the costs are not paid within the 30 days as allowed, the matter is to be remitted to the Committee for further orders as may be appropriate.



Chairperson

21/4/07.

Date

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