

**LEGAL PRACTICE COMMITTEE OF QUEENSLAND**

**OFFICE:** Brisbane  
**NUMBER:** 013/06

**Applicant:** LEGAL SERVICES COMMISSIONER

**AND**

**Respondent:** RICHARD ALEXANDER WOODD LYNE

**DISCIPLINE APPLICATION**

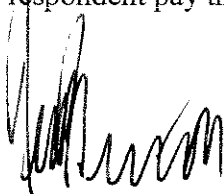
**A. DETAILS OF APPLICATION**

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:

31/08/06

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## **B. PARTICULARS OF CHARGE**

The Commissioner alleges that the following charges constitute unsatisfactory professional conduct:

### **Charge 1 - In connection with the matter of Toohey – partnership advice**

1 On or about 10 May 2004 the respondent breached section 7 of the *Trust Accounts Act 1973*.

#### **Particulars**

- 1.1 On 30 April 2004 the practitioner rendered to his client in the matter of Toohey – partnership advice, an account of his costs and outlays in the sum of \$1,966.25.
- 1.2 On 10 May 2004 the practitioner received to his general account the sum of \$1,966.25 in payment of the account.
- 1.3 The sum of \$1,966.25 included unexpended outlays for barrister's fees totalling \$550.00 and was deposited into the respondent's general account in breach of section 7 of the *Trust Accounts Act*.
- 1.4 The sum of \$550.00 was mixed with the practitioner's own moneys and applied to the practitioner's own use and benefit until 29 December 2004 when the practitioner drew a general account cheque for \$550.00 in payment of the barrister's outstanding fees.

### **Charge 2 - In connection with the matter of Bassingthwaite – Toomba Trust**

2 On or about 16 June 2004 the respondent breached section 7 of the *Trust Accounts Act 1973*.

#### **Particulars**

- 2.1 On 30 June 2004, the practitioner rendered to his client in the matter of Bassingthwaite – Toomba Trust an account of his costs and outlays in the sum of \$8,250.
- 2.2 On 16 June 2004 the practitioner received to his general account the sum of \$8,250 in payment of the account.
- 2.3 The sum of \$8,250 included unexpended outlays for barrister's fees totalling \$5,500.00 and was deposited into the respondent's general account in breach of section 7 of the *Trust Accounts Act*.

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- 2.4 The sum of \$5,500.00 was mixed with the practitioner's own moneys and applied to the practitioner's own use and benefit until 29 December 2004 when the practitioner forwarded a general account cheque for \$5,500.00 in payment of the barrister's outstanding fees.

**Charge 3 - In connection with the matter of Allingham**

- 3 On or about 8 July 2004 the respondent breached section 7 of the *Trust Accounts Act 1973*.

**Particulars**

- 3.1 On 30 June 2004, the practitioner rendered to his client in the matter of Allingham an account of his costs and outlays in the sum of \$7,700.
- 3.2 On 8 July 2004 the practitioner received to his general account the sum of \$7,700 in payment of the account.
- 3.3 The sum of \$7,700 included unexpended outlays for barrister's fees totalling \$5,500.00 and was deposited into the respondent's general account in breach of section 7 of the *Trust Accounts Act*.
- 3.4 The sum of \$5,500.00 was mixed with the practitioner's own moneys and applied to the practitioner's own use and benefit until 29 December 2004 when the practitioner drew a general account cheque for \$5,500 in payment of the barrister's outstanding fees.

**Charge 4 - In connection with the matter of G.J & J.A. Foot – purchase from Cleary**

- 4 On or about 25 November 2004 the respondent breached section 7 of the *Trust Accounts Act 1973*.

**Particulars**

- 4.1 On 20 October 2004, the practitioner rendered to his clients GJ & JA Foot an account of his costs and outlays in the sum of \$1,394.28.
- 4.2 On 22 October 2004 and 24 November 2004 the practitioner received to his general account the sums of \$404.28 and \$990.00 respectively in payment of the account.
- 4.3 The sum of \$990.00 included an unexpended outlay for a settlement notice lodgement fee totalling \$22.50 and was deposited into the respondent's general account in breach of section 7 of the *Trust Accounts Act*.

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- 4.4 The sum of \$22.50 was mixed with the practitioner's own moneys and applied to the practitioner's own use and benefit until 9 December 2004 when the practitioner lodged the settlement notice.

**Charge 5 - In connection with the matter of the Estate of G.I. Hill**

- 5 On or about 8 July 2004 the respondent breached section 7 of the *Trust Accounts Act 1973*.

**Particulars**

- 5.1 In mid-December 2004 the practitioner received a cheque dated 14 December 2004 in the amount of \$504.08 being an income tax assessment refund in the matter of the Estate of G. I. Hill.
- 5.2 As at 24 February 2005 the cheque had not been receipted and banked in breach of section 7 of the *Trust Accounts Act*.

**Charge 6 - In connection with the matter of Bagnoo Park Pty Ltd - purchase from Alford**

- 6 On or about 24 January 2005 the respondent breached section 7 of the *Trust Accounts Act 1973*.

**Particulars**

- 6.1 On 17 January 2005, the practitioner rendered to his client Bagnoo Park Pty Ltd an account of his costs and outlays in the sum of \$2,494.28.
- 6.2 On 24 January 2005 the practitioner received to his general account the sum of \$2,494.28 in payment of the account.
- 6.3 The sum of \$2,494.28 included unexpended outlays for settlement notice lodgement fee of \$22.50 and estimated registration fees of \$211.20 and was deposited into the respondent's general account in breach of section 7 of the *Trust Accounts Act*.
- 6.4 No settlement notice was lodged.
- 6.5 On 25 January 2005 the respondent paid registration of transfer and release with a payment of \$505.00 from his general account.
- 6.6 As at 24 February 2005 the respondent remained to be reimbursed for registration fees in excess of account outlay item amount billed.

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**Charge 7 - In connection with the matter of K.I. & J.R. Middleton - purchase from Lloyd**

7 On or about 14 February 2005 the respondent breached section 7 of the *Trust Accounts Act 1973*.

**Particulars**

7.1 On 7 February 2005, the practitioner rendered to his clients KI & JR Middleton an account of his costs and outlays in the sum of \$967.05.

7.2 On 14 February 2005 the practitioner received to his general account the sum of \$967.05 in payment of the account.

7.3 The sum of \$967.05 included unexpended outlays for settlement notice lodgement fee of \$22.50, estimated search fees of \$414.75 and incidentals of \$330.00 and was deposited into the respondent's general account in breach of section 7 of the *Trust Accounts Act*.

7.4 As at 24 February 2005 the settlement notice remained to be lodged, and the respondent had expended search fees totalling \$194.55.

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### C. TO THE RESPONDENT

Mr Richard Alexander Woodd Lyne  
C/- Mr D Searles  
Of Deacons Lawyers  
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 3/ / 8 /2006

Secretariat: *S. Newman*

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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