

**LEGAL PRACTICE COMMITTEE OF QUEENSLAND**

**REGISTRY: Brisbane**  
**NUMBER: 006/08**

**Applicant: LEGAL SERVICES COMMISSIONER**

**AND**

**Respondent: ALAN GRAHAM TAYLOR**

**ORDER**

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

**Date:** 16 March 2009

**Basis of Judgement:** Originating application filed on 29 October 2008

**THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:**

The respondent is a local legal practitioner within the meaning of section 6 of the Legal Profession Act 2007. He was admitted to practice as a solicitor of the Supreme Court of Queensland on 9 October 1989, and he is 53 years of age. The respondent is, and was at all relevant times, the sole principal of the law practice North Coast Law.

The respondent is charged that he failed to maintain reasonable standards of competency and/or diligence in relation to the preparation and execution of a will and an enduring power of attorney.

On or about 26 August 2004 the client was assessed by the Nambour aged care assessment team as requiring low level dementia specific care. The client had an identified diagnosis of dementia at the time, and was noted as not being able to remember where she used to live. The respondent has admitted this in his statement of response to the disciplinary application. He did not admit that he knew it at the time. The respondent admits that the client had an identified diagnosis of dementia in

---

ORDER  
Filed on behalf of the Applicant  
Form 59rr661

Legal Services Commission  
Level 25, 307 Queen Street  
Brisbane Qld 4000  
Telephone: (07) 3406 7737  
Facsimile: (07) 3406 7749

August 2004 and was residing at a care facility for a period of respite care in January 2005, when he attended on her to execute the enduring power of attorney, revocation of existing New South Wales power of attorney, and a will.

An enduring power of attorney appointed the client's daughter, to be attorney, and the will appointed the same person as executor and trustee, with the residue of the property to be divided equally among the client's three children.

The respondent has admitted that in breach of his duty as a solicitor, that he:

- (a) failed to conduct appropriate inquiries to satisfy himself that the client understood the legal affect of the documents and was capable of executing the documents;
- (b) failed to undertake and interview with the client, in accordance with the Queensland Law Society, capacity guidelines for witnesses of enduring powers of attorney;
- (c) permitted the client to sign the documents in circumstances where he ought to have known that there were capacity issues;
- (e) failed to make an appropriate written record of all of the steps taken in assessing competency, including all questions and answers.

The respondent was aware of the Law Society guidelines, and has admitted that had he followed them, he would probably have been alerted to the client's capacity issues.

The committee has had the benefit of the referral to the case of the Legal Service Commissioner v Ford 2008 LPT12, and has relied on that case.

The committee finds that the conduct of the respondent amounts to unsatisfactory professional conduct and finds the respondent guilty of unsatisfactory professional conduct.

1. The committee publicly reprimands the respondent, which is hereby given.
2. The committee orders the respondent to pay the applicant's costs fixed at \$1000, payable within 30 days.

---

ORDER  
Filed on behalf of the Applicant  
Form 59rr661

Legal Services Commission  
Level 25, 307 Queen Street  
Brisbane Qld 4000  
Telephone: (07) 3406 7737  
Facsimile: (07) 3406 7749

P. booyzw  
Chairperson

19/3/09.  
Date

---

ORDER  
Filed on behalf of the Applicant  
Form 59rr661

Legal Services Commission  
Level 25, 307 Queen Street  
Brisbane Qld 4000  
Telephone: (07) 3406 7737  
Facsimile: (07) 3406 7749