

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

OFFICE: Brisbane
NUMBER: 006/07

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: BRENDAN PATRICK RYAN

DISCIPLINE APPLICATION

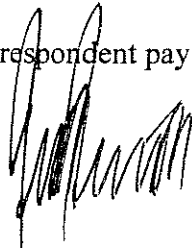
A. DETAILS OF APPLICATION

This application is made under section 452 of the *Legal Profession Act 2007* ("Act").

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

1. Pursuant to section 458 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:



DISCIPLINE APPLICATION

Filed on behalf of the Applicant

Rule 4(1) Legal Profession (Tribunal and Committee) Rule 2007

Form LPC, Version 1

Legal Services Commission

Level 25, 307 Queen Street

Brisbane Qld 4000

Telephone: (07) 3406 7737

Facsimile: (07) 3406 7749

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B. PARTICULARS OF CHARGE

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

1. That on or about 27 June 2005, the respondent made or published a report concerning a trial contrary to section 6(1) of the *Criminal Law (Sexual Offences) Act 1978*.

Particulars

- 1.1. At all material times, the respondent was:
 - (a) a local legal practitioner;
 - (b) a partner in the law practice Ryan & Bosscher;
 - (c) acted on behalf of [REDACTED] ("the client") in relation to a number criminal charges before the Brisbane District Court.
- 1.2. The charges alleged sexual offences against two juvenile complainants.
- 1.3. On 24 May 2005 the client's trial in relation to the alleged offences concluded. The jury found him 'not guilty' in respect of each count on the indictment.
- 1.4. On or about 27 June 2005 the respondent caused a letter ("the letter") headed '*To Whom It May Concern*' to be forwarded to his client. A copy of the letter is *annexure 1* to this application.
- 1.5. The client published the letter to a number of persons known to the client.
- 1.6. The letter revealed particulars likely to lead to the identification of the complainants in the trial, namely the name of the accused, the nature of the alleged offences and the complainants' relationship to the accused.

FURTHER OR IN THE ALTERNATIVE;

2. That on or about 27 June 2005, the respondent published a document which by its publication brought the legal profession into disrepute.

Particulars

- 2.1 The applicant repeats and relies on paragraphs 1.1 to 1.5 above.

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- 2.2 The respondent knew or ought to have known that the letter was to be distributed by the client to an unknown number of persons for the purpose of ceasing 'rumour-mongering' about the alleged sexual offences.
- 2.3 The letter contained statements which the respondent knew to be false and/or misleading so as to further the purpose referred to in paragraph 2.2 above.
- 2.4 The publication of the letter under the respondent's name and firm letterhead brought the profession into disrepute.

C. TO THE RESPONDENT

Mr Brendan Ryan
of C/- Ryan & Bosscher Lawyers
331 George Street
Brisbane Qld 4000

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

Filed in the Brisbane Office on 17/10/2007

Secretariat: *A. Thomas*

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 (if any): | DX 40118 Brisbane Uptown |
| Telephone: | (07) 3406 7737 |
| Fax: | (07) 34067749 |
| E-mail address (if any): | <u>lsc@lsc.qld.gov.au</u> |

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