

REGISTRY: Brisbane
NUMBER: 003/07

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: MICHAEL ROBERT DE VERE

ORDER

Before: Mr P Cooper, assisted by Mr M Conroy and Ms P Frampton

Date: 26 May 2008

Basis of Judgement: Originating application filed on 4 September 2007

THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:

The respondent is a 43 year old solicitor. He was admitted to practise as a solicitor of the Supreme Court of Queensland on 20 November 1993. He is a legal practitioner director of an incorporated legal practice, De Vere Lawyers. He is a legal practitioner within the meaning of the *Legal Profession Act 2007* (the Act). There are two charges brought by the applicant against the respondent, namely:

- (a) that between 3 November 2005 and 29 September 2006, the practitioner borrowed an amount of \$120,000 from a client contrary to rule 86 of the Queensland Law Society Rules (1987) repealed 30 June 2006, and rule 86 of the then Legal Profession Solicitors Rules (2006) repealed 30 June 2007; and
- (b) that between 19 June 2003 and 28 April 2004, the practitioner acted on behalf of both the lender and the borrower in respect of a loan transaction contrary to rule 85 of the then Queensland Law Society Rules (1987) repealed.

ORDER
Filed on behalf of the Applicant
Form 59rr661

Legal Services Commission
Level 25, 307 Queen Street
Brisbane Qld 4000
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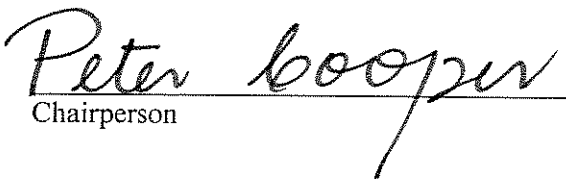
LEGAL PRACTICE COMMITTEE OF QUEENSLAND

There has been filed a statement of agreed facts. The practitioner has pleaded guilty to both charges. In determining what penalty should be imposed, the Committee has taken into account the following:

- (a) The respondent has cooperated with the Queensland Law Society and the applicant in the investigation of the two charges.
- (b) Prior to this matter, the respondent has had no adverse findings by a disciplinary body against him.
- (c) No pecuniary loss was suffered in relation to the two charges, and
- (d) The practitioner has the support and confidence of both his clients and the other party as evidenced by the email tendered today.

The Committee finds the conduct amounts to unsatisfactory professional conduct and finds the practitioner guilty of unsatisfactory professional conduct.

- (1) The Committee publicly reprimands the respondent, which is hereby given.
- (2) The Committee orders the practitioner to pay \$1500 by way of penalty to the Legal Practitioners Interest on Trust Accounts Fund within 30 days from today, subject to any further submissions that may come.
- (3) The practitioner pay the applicant's cost, fixed at \$1000 within 30 days from today.


Chairperson

Date 4-6-08

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