

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

OFFICE: Brisbane
NUMBER: 012/06

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: PETER JOHN WATTS

DISCIPLINE APPLICATION

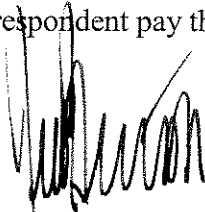
A. DETAILS OF APPLICATION

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.

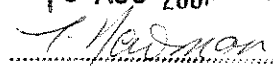
Signed:



Description: Legal Services Commissioner

Dated:

18/08/06

RECEIVED
18 AUG 2006
by 
LEGAL PRACTICE COMMITTEE

B. PARTICULARS OF CHARGE

The Commissioner alleges that the following charge constitutes unsatisfactory professional conduct:

1. When acting for Mr Robin Smyth in respect of proceedings for breach of contract in the Maroochydore Magistrates Court during the period between May 2002 and February 2004, the respondent:
 - (a) has been guilty of neglect and/or undue delay; and/or
 - (b) has failed to maintain reasonable standards of competence or diligence in relation to the execution of a judgment debt.

Particulars

- 1.1 In or about January 1998 the respondent was instructed by Mr Robin Smyth ("*plaintiff*") to commence proceedings against HML Electronics Pty Ltd in the Maroochydore Magistrates Court seeking damages arising out of an alleged breach of contract.
- 1.2 The respondent filed the plaint and summons in the Maroochydore Magistrates Court in September 1998.
- 1.3 In May 2002, following a trial in the Maroochydore Magistrates Court, judgment was entered in favour of the plaintiff in the amount of \$18,531.00 plus costs and interest ("*judgment debt*").
- 1.4 Between May 2002 and February 2004 the respondent, in breach of his duty as a solicitor, failed to take any reasonable steps to enforce the judgment debt.
- 1.5 In or about February 2004, the plaintiff personally undertook enforcement action against HML Electronics Pty Ltd and recovered the judgment debt.

C. TO THE RESPONDENT

Mr Peter John Watts
of C/- Brian Bartley & Associates
Litigation Lawyers
Level 7 200 Creek Street
Brisbane Qld 4000

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

RECEIVED
18 AUG 2006
by *L. Madman*
LEGAL PRACTICE COMMITTEE

Filed with the Committee on 18/8/2006

Secretariat:



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:	www.lsc@lsc.qld.gov.au

