

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

OFFICE: Brisbane
NUMBER: 003/08

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: ROBERT JOHN GOULD

DISCIPLINE APPLICATION

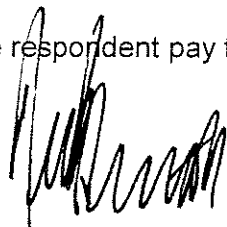
A. DETAILS OF APPLICATION

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:

13/05/08

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B. PARTICULARS OF CHARGE

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

Lack of Competence and Diligence

1. In relation to the conduct of an estate matter on behalf of Mr and Mrs R Olschewsky ("*the clients*") between 6 September 2004 and 16 May 2006, the respondent failed to meet the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent Australian legal practitioner.

Particulars

- 1.1. At all material times, the respondent was;
 - 1.1.1. An Australian legal practitioner;
 - 1.1.2. Principal of the law practice, Compass Legal Solutions.
- 1.2. On 6 September 2004 the clients retained the respondent's firm Compass Legal Solutions to act on their behalf in a matter involving the purchase of real property from a deceased estate ("*the matter*").
- 1.3. The client's gave initial instructions to Compass Legal Solutions' Conveyancing Manager, Lynne Morrissey. Ms Morrissey was not a legal practitioner.
- 1.4. At all material times the respondent was the legal practitioner responsible for the conduct of the matter.
- 1.5. At all material times during the conduct of the matter, the respondent was responsible for the supervision of Ms Morrissey, including checking her work and providing advice and guidance.
- 1.6. On 9 September 2004 Compass Legal Solutions provided advice to the clients regarding the proposed purchase of land including a draft contract of sale. The contract of sale identified the sellers as Ida Schultz and Christa Kuss.
- 1.7. At the relevant time the registered owner of the land was Hans Eric Shultz, deceased. Mr Shultz had died intestate in Germany.
- 1.8. As a result of the respondent's failure to properly supervise Ms Morrissey and give her the benefit of his professional judgment, Ms Morrissey proceeded to conduct the matter as a conveyance, failing to appreciate the estate issues.
- 1.9. On 10 February 2005 Ms Morrissey emailed the clients to advise that the Titles Office would require "*some form of "Probate" or "letter of Grant" from the Supreme Court*".
- 1.10. From the date of initial instructions, there was a five month delay in advising the clients that any such document would be required.

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- 1.11. Compass Legal Solutions then proceeded to obtain affidavit and other material from the clients and beneficiaries to the estate in Germany.
- 1.12. There was a further nine month delay until 21 November 2005 when the clients were advised by email that the beneficiary of the estate would have to obtain a Grant of Letters of Administration in Queensland before the transfer could proceed.
- 1.13. Throughout the relevant period the respondent failed to adequately supervise Ms Morrissey and give her the benefit of his professional advice and judgment in relation to the conduct of the matter.

C. TO THE RESPONDENT

Robert John Gould, Solicitor
Compass Legal Solutions
Level 1, Reece House
94 George Street
Beenleigh Qld 4207

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

Filed in the Brisbane Office on 13/5/2008.

Secretariat: *[Signature]*

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

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