

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 003/09

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: VIKTOR SUPRANOWICZ

ORDER

Before: Mr P Cooper, assisted by Mr R Bain QC and
Ms P Frampton

Date: 07 December 2009

Basis for Judgement: Originating application filed on 22 April 2009

THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:

The respondent was born on 19 March 1946 and was called to the Queensland Bar on 16 March 1998. He has not previously been the subject of any disciplinary action.

The Legal Service Commissioner has alleged that while the respondent acted directly for the client he engaged in unsatisfactory professional conduct in that:

- (a) in November 2003 the respondent accepted a direct access brief from the client in respect of an action in relation to a Work Cover claim and negotiations relating to the client's employment with the Department of Corrective Service;
- (b) the respondent breached rule 80 of the Barristers Rules 1995 in that he failed at any time to inform the client in writing of the matters set out at rule 80, subsections (a) (b) and (c).

ORDER
Filed on behalf of the Applicant
Form 59rr661

RECEIVE
10 DEC 2009
by *SM*
LEGAL PRACTICE COMMITTEE

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

He failed within a reasonable time or at all to render an account to the client identifying the professional work undertaken on his behalf, and the basis of the amount of \$5000 charged and received for that work, and identifying expenditure and the amount thereof as outlays.

There has been filed a statement of agreed facts. They state in part:

4.13 In the course of the matter at no time did the respondent:

- (a) make written disclosure to a direct access client in compliance with rule 80 of the Barristers Rules;*
- (b) account to the client via an itemised bill as to how the sum of \$5000 was utilized;*
- (c) rendered an account to the client for work undertaken on his behalf.*

4.14 The conduct as described amounts to unsatisfactory professional conduct as defined in the Legal Profession Act 2007.

The Committee notes that the time of payment of the fee at \$5000 work in excess of that amount had, in fact, been undertaken.

The Committee finds that the charge is a technical breach. The Committee finds that the conduct the subject of the charge proved, and as such amounts to unsatisfactory professional conduct and finds the respondent guilty of unsatisfactory professional conduct.

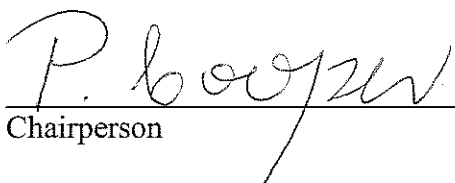
The Committee also notes that the respondent is of good character.

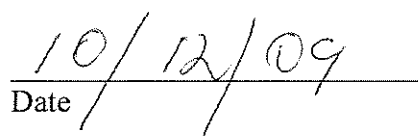
The Committee publicly reprimands the respondent, which is hereby given.

The Committee, in the circumstances, does not intend to impose any pecuniary penalty upon the respondent.

The Committee orders the respondent to pay the Commissioner's costs as agreed, fixed at \$1500, within 30 days from today's date.

It is the intention of the Committee to publish on its website this case.


Chairperson


Date

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