

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

**REGISTRY: Brisbane
NUMBER: 005/2010**

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: AKRAM MALIK, BARRISTER

ORDER

Before: Mr P Cooper (Chairperson R Bain Q.C. (Barrister member), Ms
P Frampton (Lay member)

Date: 28 March 2011

Basis for Judgment: Discipline application filed on 12 November 2010

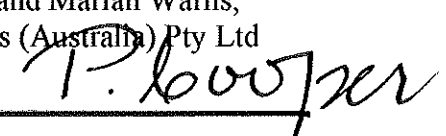
THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:

The respondent was admitted as a barrister to the Supreme Court of Queensland on 9 September 2002. He was born on 20 August 1935 and is aged 75. At the time of the alleged offences, he held a barrister's practising certificate. The respondent is an Australian lawyer within the meaning of section 5 of the *Legal Profession Act 2007*.

It is alleged that the respondent breached rule 78(a) of the 2007 Barristers Rule in that between 1 June 2009 and 31 August 2009, he acted as the general agent of Vincent and Marian Warns in their business and dealings with others in breach of the rule.

It is further alleged that the respondent breached rule 78(b) of the 2007 Barristers Rule, in that between 3 June 2009 and 31 July 2009, the respondent conducted contentious correspondence in his name on behalf of Vincent and Marian Warns, trading as BMW Farms (Philippines) Pty Ltd and BMW Farms (Australia) Pty Ltd

ORDER
Filed on behalf of the Applicant
Form 59rr661


Legal Services Commission
Level 25, 307 Queen Street
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("his clients"), otherwise then with the opponents, namely Geoffrey and Celia Grace Burnett-Smith, trading as Australian Breeding Services Pty Ltd in breach of the rule.

Rule 78 of the 2007 Barristers Rule states :

"78. A barrister must not:

(a) act as a person's general agent or attorney in that person's business or dealing with others;

(b) conduct contentious correspondence in the barrister's name on behalf of any person with others (including public authorities) with whom that person is dealing, otherwise then the opponents;"

Rule 77 of the 2007 Barristers Rule sets forth what a barrister's work consists of.

The Legal Service Commissioner has filed an affidavit by Robert Henry Patrick Brittan, dated 3 February 2011. Exhibited to that affidavit is material in support of the particulars relating to both charges. The conduct of the respondent, as particularised in relation to both charges, is outside the scope of work envisaged by Rule 77 of the 2007 Barristers Rule.

The respondent, by acting as his client's general agent and conducting contentious correspondence of the nature as particularised in the disciplinary application, has clearly breached the Rule. The respondent elected to correspond with those parties using his professional letterhead.

The respondent, in representing his clients, went beyond what was required of him as a barrister in that he acted as his client's agent and investigator in their business and dealings with others and such conduct does not conform to the role of a barrister as a specialised advocate in the legal profession. The *2007 Barristers Rules* provide a code of conduct for barristers and the respondent failed to comply with this code.

The Committee finds both charges proved. The conduct complained of amounts to unsatisfactory professional conduct.

The Committee finds the respondent guilty of unsatisfactory professional conduct.

The respondent gave to the Committee an undertaking at the hearing that he will not hereinafter do any work as a barrister in Queensland, without having first successfully completed the Bar Practice Course or with the prior written consent of the Bar Association of Queensland.

In determining penalty, the Committee has taken into account that the respondent has not previously been dealt with by a disciplinary body.



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The Committee publicly reprimands the respondent which is hereby given.

The Committee does not impose any pecuniary penalty upon the respondent.

The Committee orders the respondent to pay the Commissioner's costs, fixed at \$1000, within 60 days from today's date.

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

P. booyzer
Chairperson

30-03-2011
Date

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