

DISCIPLINARY HEARING
REPORT OF PROCEEDINGS

The practitioner, Damian Peter Sheales, pleaded guilty to a Reference which alleged that he failed to give the Legal Practitioners Complaints Committee within the time delimited or within a reasonable time a full and frank response to certain complaints which had been made against him by others in the course of his practice.

In fact, the practitioner failed to respond in writing to letters dated 16 December 1999, 6 January 2000 and 14 January 2000 regarding an incident which occurred in December 1999. The Reference in this matter was filed 25 July 2000 and in the absence of an answer was listed for hearing on 21 December 2000. That at least produced an answer accepting the fact that the practitioner had failed to respond and as well, it set out his answer to the complaints which led to the correspondence from the Complaints Officer.

The Tribunal was not, at the hearing, concerned with the facts which led to the complaint. They will no doubt be taken up by the Complaints Committee with the complainants. The Tribunal sat simply to deal with the practitioner's plea of guilty to unprofessional conduct in failing to respond to those requests.

In his answer to this Reference, the practitioner accepted that his failure to respond reflected poorly upon the profession and he apologised in particular to the complainants for any inconvenience caused by such failure. He accepts that those who complain through appropriate channels are entitled to have their grievances dealt with both in a thorough and expeditious manner.

The Tribunal was told that the practitioner who was admitted to the Victorian Bar in 1993 has an unblemished record and that he is a tireless worker both at the Bar and as Secretary to the Criminal Law Association of Victoria and in performing much pro bono work in that State.

It seems that the practitioner has let this matter drag on in a rather mistaken and forlorn belief that it might go away. Unfortunately, these things tend not to go away.

However, in the circumstances of the practitioner's unblemished background and the contribution he makes both to his profession in Victoria and for his pro bono work, the Tribunal believes that this matter can be dealt with by reprimanding the practitioner and it did so. As well, the practitioner was ordered to pay the costs of the Complaints Committee of both this and the earlier adjourned hearing fixed by agreement at \$1250.00.

However, this is not a complaint of a minor nature that would justify an order under Section 31(C)(5) that there be no publication under the Legal Practitioners Act. This report gives effect to that finding.

Mrs AJ Thompson
Registrar
Legal Practitioners Disciplinary Tribunal
January 2001