

DISCIPLINARY HEARING
REPORT OF PROCEEDINGS

The practitioner Mr Emmanuel Nicholas Stamatiou pleaded guilty before the Legal Practitioners Disciplinary Tribunal to allegations of unprofessional conduct in that he failed to supervise his in-house counsel/consultant with respect to retainers from two discreet clients. In each case his instructions were to initiate proceedings under the Inheritance (Family Independents) Act. Also, after a hearing he was found guilty of unprofessional conduct in that he misled one of those clients in relation to the progress of that client's matter.

In each of the matters in issue, the practitioner handed over each file to his in-house counsel who was senior to him in call, and who had given no cause for concern in the past. Unfortunately his in-house counsel was having personal troubles at that time and he did not, in a timely or proper manner, take appropriate action in either of those files. Whenever one of the clients asked for information on the progress of that client's action, the practitioner sought information from his counsel without checking himself and was told that all was well and that the matter was in hand.

However after some six or seven months, the relationship between the practitioner and his in-house counsel deteriorated to such an extent that the practitioner could not properly discuss his client's cases with him. Eventually the practitioner called for and after some delay retrieved both of these files and other files held by the counsel, and ascertained that each was out of time for action, and little to properly advance each client's claim had been undertaken.

Notwithstanding this the practitioner accepted explanations from his in-house counsel, and permitted him to continue acting on each file without in any way supervising to see that the claims were being progressed properly, and that

relevant timely actions were taken, and that applications to extend times were underway. Eventually each client sought other legal advice.

In the case in which the practitioner misled his client, the Tribunal found that his statements to his client that the files were being properly progressed finally reached the stage that they could not be justified, and could certainly not be justified after some simple accounting checks would have indicated that the claim had not been made within the prescribed time limited under the Act.

The Tribunal indicated that it had some sympathy for the practitioner who had been a well-respected and conscientious member of the profession. His failure to supervise properly had caused financial loss, with each of the clients being obliged to attempt to retrieve their losses through other solicitors. This failure and the misleading of his clients have, to some extent, been caused because he believed that he could rely upon his in-house counsel because of his seniority. However there were other considerations and there could be no justification for failing to supervise the in-house counsel or the misleading of his clients.

Notwithstanding this, the Tribunal believes the considerable financial loss suffered by the practitioner, the fact that the Tribunal was obliged to publish both the facts and the practitioner's name because the matters were not minor, and the Tribunal's belief that these breaches were unlikely to re-occur, led to the practitioner being reprimanded and ordered to pay the Complaints Committee's costs.

Ms M-A Paton
Registrar
Legal Practitioners Disciplinary Tribunal
21 November 2003