

DISCIPLINARY HEARING
REPORT OF PROCEEDINGS

On 21 April 2004 Mr Jeremy Robert Birman admitted before the Legal Practitioners Disciplinary Tribunal that he was guilty of unprofessional conduct in that he had failed to respond to enquiries made of him by the Committee within the time requested or within a reasonable time.

The facts were that on 16 January 2002, 25 February 2002, 4 April 2002 and 29 May 2002, the Complaints Officer of the Committee had requested information from the practitioner concerning deductions from a sum which was held in the practitioner's trust account in connection with the representation of a client who had been represented by another practitioner who was an employee of Mr Birman.

The client had been represented by Mr Birman's employee in an appeal to the Court of Criminal Appeal. All financial matters between the client and the practitioner employed by Mr Birman had been between the employee and the client. Mr Birman had had nothing to do with the matter.

Mr Birman eventually explained the situation to the Complaints Committee by letter dated 19 September 2002 in which he said that he had had no real excuse for the delay.

Before the Tribunal, Mr Birman said that he had had no dealings with the client who had been represented by his employee practitioner. When he had become aware of a complaint by the client he had taken the matter up with his employee. He then had sent his file to the Committee as requested. At the

relevant time, he had approximately 7 employees and had been under considerable pressure in a busy practice.

The Tribunal takes the view that if a practitioner fails to respond to enquiries from the Legal Practitioners Complaints Committee, it is a serious matter. The Tribunal fined the practitioner \$1000 and ordered him to pay the sum of \$500 costs within 30 days. It also ordered that the matter be published pursuant to Section 31D of the Legal Practitioners Act 1893.

Mary-Anne Paton
Registrar
Legal Practitioners Disciplinary Tribunal
14 July 2004