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Oversight causes complaint

At a recent meeting the Legal Practitioners Complaints Committee considered a complaint of unprofessional conduct which arose from an action brought in the Local Court by a practitioner against a former client to recover costs. The former client was not represented in the action.

After proceedings were issued the matter was compromised by the client paying, and the practitioner accepting, a lesser sum than that sued for. No notice of discontinuance was filed with respect to the action.

Some three years later the former client was refused retail credit because of the continued existence of the proceedings (on their face apparently still unresolved).

The Committee found that the practitioner's failure to file a notice of discontinuance did not amount to unprofessional conduct. It felt strongly, however, that the former client should not have been left in the position in which she found herself some years later.

Practitioners are reminded that in circumstances such as these they should ensure that any outstanding proceedings against the client are terminated.