

On 28 May 2020 the Legal Profession Complaints Committee (*Committee*) resolved pursuant to section 426 of the *Legal Profession Act 2008 (WA) (LP Act)*, that there is a reasonable likelihood that the practitioner would be found guilty by the State Administrative Tribunal of unsatisfactory professional conduct within the meanings of sections 402 and 438 of the LP Act in that her conduct fell short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent Australian legal practitioner, in that, in the course of acting Ms N (the *client*) in family law proceedings against Mr S (the *father*) she:

1. Failed to provide to the father, a copy of a letter dated 26 April 2017 sent by HB (the *Firm*) to the Family Court which applied to vacate a Child Dispute Conference scheduled for 2 May 2017 between the parties, in breach of Guideline 55.2 of the *Family Court Case Management Guidelines*.
2. Prepared and caused to be sent a letter dated 12 May 2017 (the *Principal's Letter*) to the Principal (the *Principal*) of the school attended by the children of the father and the client (the *children*) to a generic email address at the school and in which the practitioner:
 - 2.1 conveyed the impression that the Family Court had approved that the father was prohibited from having any contact with the children until the next hearing date in the proceedings when she knew, or ought to have known, that there were no reasonable grounds to do so or was recklessly indifferent as to whether or not there were reasonable grounds to do so;
 - 2.2 made serious allegations concerning the Principal's conduct when she knew, or ought to have known, that there were no reasonable grounds or was recklessly indifferent as to whether or not there were reasonable grounds for the allegations;
 - 2.3 threatened to request an external investigation into the Principal's "*misconduct*" in a manner which was intimidatory and when she knew, or ought to have known, that there were no reasonable grounds to do so or was recklessly indifferent as to whether or not there were reasonable grounds to do so; and
 - 2.4 caused a copy of the Principal's Letter to be sent to the Standards and Integrity Directorate of the Department of Education in an attempt to intimidate the Principal and in support of the threat of an external investigation into the Principal's conduct in relation to the children.

Outcome: Fine \$2,000

Public Reprimand