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# High Court of Australia Special Leave Dispositions

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## Dempsey v Legal Services Commissioner [2011] HCASL 132 (9 June 2011)

Last Updated: 9 June 2011

*PAUL ANTHONY DEMPSEY*

v

*LEGAL SERVICES COMMISSIONER*

[2011] HCASL 132

B55/2010

1. The applicant, a legal practitioner practising in Queensland, was charged by the Legal Services Commissioner with two counts of unsatisfactory professional conduct, and four counts of professional misconduct, relating to two clients. The charges involved misuse of trust account moneys, charging excessive legal fees and misleading the Queensland Law Society by providing false invoices. After hearing the matter over four days, the Legal Practice Tribunal ("the Tribunal") found the appellant guilty of the six charges laid against him by reason of his failure to meet a reasonable standard of competence and diligence, and found that he was not a fit and proper person to engage in legal practice.
2. The Court of Appeal of the Supreme Court of Queensland (McMurdo P, Holmes and Muir JJA), upheld the Tribunal's findings and order recommending the removal of the applicant from the roll of legal practitioners in the State of Queensland.
3. The applicant had appealed on the grounds that, first, the Tribunal erred in finding he gave false evidence under oath, and second, that he was not given clear notice to respond to the allegations made against him. On 30 July 2010, the Court of Appeal dismissed the appeal finding that there was no error in the decision of the Tribunal and the applicant was not denied procedural fairness.
4. The applicant now seeks an extension of time within which to seek special leave to appeal to this Court. He submits that the Court of Appeal erred in failing to take into account the demeanour and credibility of witnesses to determine the issues in question.
5. The application to this Court does not seek to advance any ground that would justify a grant of special leave to appeal and the applicant enjoys no prospect of success in this Court.
6. The extension of time is granted but special leave is refused with costs.
7. Pursuant to r 41.11.1 we direct the Registrar to draw up, sign and seal an order in these terms.

W.M.C. Gummow  
9 June 2011

S.M. Kiefel