

LEGAL PRACTICE TRIBUNAL OF QUEENSLAND

REGISTRY: Brisbane  
NUMBER: BS 7021/08

**Applicant:** LEGAL SERVICES COMMISSIONER

AND

**Respondent:** JILL PROSSER

**DISCIPLINE APPLICATION**

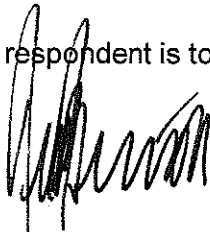
**A. DETAILS OF APPLICATION**

This application is made under section 452 of the *Legal Profession Act 2007* ("Act").

On the facts stated in the particulars of charge set out below, the applicant seeks the following orders:

1. Pursuant to section 456 of the Act, that the respondent is guilty of professional misconduct.
2. A recommendation that the respondent's name be removed from the local roll.
3. The respondent is to pay the applicant's costs of the application as agreed.

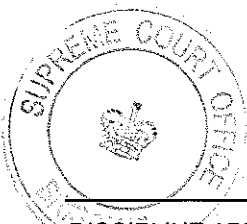
Signed:



Description: Legal Services Commissioner

Dated:

23/07/08



## B. PARTICULARS OF CHARGE

The Commissioner alleges that the following charges constitute professional misconduct:

### **Charge 1: Fraud - Complaint of Robyn Hill**

- 1 On or about 23 April 2008 in respect of the civil law proceedings *Aqwell Pty Ltd v BJC Drilling Pty Ltd and Ors* the respondent fraudulently fabricated an Order of the Supreme Court of Queensland.

#### **Particulars**

- 1.1 At all material times, the respondent:
- (a) was a local lawyer as defined in section 5(2) of the *Legal Profession Act 2007*; and
  - (b) was a legal practitioner in the employ of the firm known as Lillas & Loel Lawyers;
  - (b) acted on behalf of Aqwell Pty Ltd ("**plaintiff**") in respect of civil proceedings in the Supreme Court of Queensland at Brisbane ("**proceedings**").
- 1.2 On or around 24 January 2008 the respondent met with the plaintiff's representative Mr Peter Rogers ("**client**") and received instructions to obtain an injunction restraining dealings with a mining drill the subject to proceedings.
- 1.3 The respondent took no action on those instructions.
- 1.4 At some time between 24 January 2008 and 23 April 2008 the respondent spoke to the client and informed him that the application for injunction had been successful.
- 1.5 In her affidavit of 12 May 2008 in the proceedings, the respondent made the following admissions:
- (a) on 23 April 2008 she received an email from the client; and
  - (b) on 23 April 2008 she typed a fabricated Order of Justice White ("**the fabricated document**") dated 11 March 2008 and from a copy of another document cut and pasted a copy of the Court seal on to the fabricated order; and
  - (c) she then caused the fabricated document to be scanned and sent to the client by email.



## Charge 2: Dishonest Misrepresentation

2. On or about 29 April 2008 the respondent dishonestly misrepresented the circumstances relating to a purported Order of the Supreme Court of Queensland.

### Particulars

- 2.1 The applicant repeats and relies upon particulars 1.1 to 1.5 of charge 1 above.
- 2.2 On or about 29 April 2008 the solicitor for BCJ Drilling Services Pty Ltd ("defendant's solicitor") contacted the respondent regarding the existence of the fabricated document.
- 2.3 The respondent represented to the defendant's solicitor that:
- (a) The matter was completely her fault;
  - (b) She had acted foolishly on her client's instructions
  - (c) the fabricated document would be removed as if it had never happened;
  - (d) that she had been contacted by Justice White and reprimanded and was required to provide a letter of apology to the defendant's solicitor and the Court.
- 2.4 The respondent had taken no actions on her clients instructions, could take no actions to have the fabricated document removed and had not been contacted by Justice White in relation to the matter.

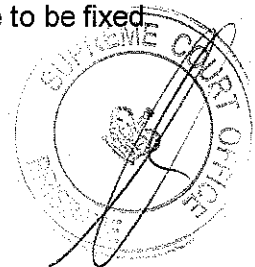
### C. TO THE RESPONDENT

Jill Prosser  
 C/- Mr Brian Bartley  
 Brian Bartley & Associates  
 GPO Box 428  
 BRISBANE QLD 4001

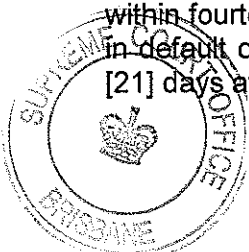
This application will be heard by the Tribunal at a time and date to be fixed

Filed in the Brisbane Registry on 23/7/2008.

Registrar:



If you wish to contest this application, or to make submissions on penalty, you must lodge a Notice of Address for service with the Registry within fourteen [14] days of service of this application on you. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. If you fail to file a Notice of Address for service with the Registrar within fourteen [14] days of service of this application on you, the matter will be heard in default of your appearance, on a date to be fixed being not less than twenty one [21] days after service of this application on you.



**D. SERVICE**

APPLICANT'S ADDRESS FOR SERVICE:

Name:	Legal Services Commission
Applicant's business address:	Level 25, 307 Queen Street. Brisbane Qld 4000
Address for service:	As Above
DX:	DX 40118 Brisbane Uptown
Telephone:	(07) 3406 7737
Fax:	(07) 34067749
E-mail address:	<u><a href="mailto:www.lsc@lsc.qld.gov.au">www.lsc@lsc.qld.gov.au</a></u>

