

LEGAL PRACTICE TRIBUNAL

de JERSEY CJ

MR K HORSLEY
DR S DANN

No 5112 of 2006

LEGAL SERVICES COMMISSIONER

Applicant

and

SHANAN JOHN RYAN RAMSDEN

Respondent

BRISBANE

..DATE 15/11/2006

REASONS FOR FINDING

THE CHIEF JUSTICE: The respondent is a 29 year old solicitor who was admitted to practice in the year 2002.

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The essence of the charges against him, which are not contested, is that he post-dated a mortgage in order to avoid Stamp Duty penalties, secondly that he misled the Office of State Revenue by lodging the incorrectly verified document, and third that he was guilty of delay in that lodgement.

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The mortgage was executed in July 2002, yet the respondent dated it as having been executed on the 22nd of December 2002. His purpose was to avoid a Stamp Duty Lodgement Penalty in the princely amount of \$44.85. It was a particularly foolish thing to do. Unfortunately, that the respondent expediently did it raises a query as to his fitness.

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The first charge, the post-dating of the mortgage, and the second charge, the misleading of the Office of State Revenue, each involved professional misconduct. The third charge, concerning the delay, involved unsatisfactory professional conduct.

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Because this is the respondent's first and, one earnestly hopes, last infraction, because of his complete cooperation with the Commission and the Tribunal, and in view of the general acceptance that he is unlikely to commit further ethical breaches in all these circumstances, the view of the Tribunal is that his infractions should be visited with a substantial fine.

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Post-dating a document of this character is, nevertheless, a serious offence on the part of a practitioner for reasons comprehensively explained in the case of Queensland Law Society v. Bax, but there are obvious points of distinction between this case and the situation of Mr Bax.

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As may be seen by reference to the report [1999] 2 QdR 9 at pages 20 and 22, and thereabouts, Mr Bax engaged in a course of dishonest conduct, was equivocal when challenged about it, and failed to cooperate at all levels of the enquiry and the prosecution of him before the Solicitors Complaints Tribunal.

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The position of this respondent is, as I say, in those respects quite distinct. This respondent promptly and fully acknowledged his error upon its being raised with him, expressed contrition and remorse, and implemented office systems to ensure no recurrence.

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The orders made are these:

1. A finding that the charges are established.
2. An order that the respondent pay \$5,000 to the Legal Practitioner Interest on Trust Accounts Fund, that payment to be made by the 15th of February 2007, and failing payment, the matter to be relisted for the consideration of further orders.

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3. The administration of a public reprimand, which is hereby administered, Mr Ramsden; and 1
4. An order that the respondent pay the applicant's costs, fixed in the sum of \$2,000. 10

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