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IN THE SUPREME COURT OF SOUTH AUSTRALIA

No. 1659 of 2013

Between

GEORGE JOSEPH STEPHEN MANCINI

Appellant

and

THE LEGAL PRACTITIONERS CONDUCT BOARD

Respondent

ORDER

Filed on behalf of the Respondent,

Legal Practitioners Conduct Board by:

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Settled By: Frances Nelson QC

Date of filing or transmission: 15 April 2014

Judicial Officers:	The Honourable Justices Gray, Sulan and Bampton
Date of Notice of Appeal:	20 December 2013
Application made by:	Appellant
Date of Hearing:	12, 21, 27 March and 4 April 2014
Date of Order:	15 April 2014
Appearances:	Mr W Boucaut SC for the Appellant Ms E F Nelson QC for the Respondent

THE COURT ORDERS that:

1. The penalty imposed on the Appellant ("the practitioner") by the Legal Practitioners Disciplinary Tribunal on 20 December 2013 in matter number 2 of 2012 be varied in that:

   1.1. the 2 month period of suspension of the practitioner's practising certificate and his right to practise the profession of the law be set aside; and

   1.2. in substitution therefor the practitioner shall not be permitted to practise for a period of 3 years except under the supervision of a senior practitioner ("the supervisor") in the terms and upon the conditions set out below.

2. The practitioner shall enter into a period of 3 years' supervision of his legal practice conducted under the name George Mancini and Co (the practitioner's firm) and any other legal practice conducted by him or in which he is involved in respect of the conduct and management of clients' files in the following terms:

   2.1. That the period of supervision shall commence on 1 May 2014 and conclude on 30 April 2017.

   2.2. That until further order the supervisor of the practitioner shall be John Gerard Ward.

   2.3. That any costs attendant upon the supervision of the practitioner by the supervisor shall be paid by the practitioner.

   2.4. That the supervisor shall supervise the practitioner at the offices of his practice in 47 weeks of each year during the period of supervision.

2.5. The practitioner will give the supervisor unfettered access to his diary, client files, correspondence, office and trust books of account, computer, staff members and all documents and things necessary for the supervisor to have a full understanding of the running of the practitioner's practice, his time management and commitments, financial management, practice administration and the like.

2.6. That on or before 1 May 2014 the practitioner do write to every current client of the practitioner's firm advising of these Orders and seeking each client's acceptance and agreement to the supervisor examining and discussing the client's file with the practitioner.

2.7. That each successive new client of the practitioner's firm during the period of the supervision also receive the information and be asked for the authorisation contained in subclause 2.6 above.

2.8. That the supervisor shall monitor the conduct of the practitioner by consideration of all open files within the practice, the trust and firm accounts and diary of the practitioner and from time to time may call upon the practitioner or any member of his staff for any such information as shall be reasonably necessary to ascertain the current state of any client's file or matter or account.

2.9. The practitioner shall ensure that all and any such records and information are provided to the supervisor as required and shall provide such information and answer such enquiries as may be made, whether in writing or orally as requested by the supervisor upon demand or as soon as reasonably practical thereafter.

2.10. That during the period of supervision the supervisor shall provide a written report to the Board at intervals of every 3 months with the first such report to be due no later than 30 June 2014. The supervisor shall report on the practitioner's level of co-operation and responsiveness to the supervision and the practitioner's observance of any advice, counsel or warning by the supervisor and any other matter relating to or arising out of the supervision at the discretion of the supervisor. The report in each case shall set out the opinion of the supervisor upon whether the practitioner:

2.10.1. is observing the professional obligations of a practitioner in a timely manner, including his obligations as an officer of the Court, whether such obligations are set forth in the Legal Practitioners Act, Regulations or the Australian Solicitors' Conduct Rules as amended from time to time or otherwise;

2.10.2. is attending to the completion and finalisation of clients' matters in a prompt manner;

2.10.3. is communicating regularly with clients and responding to correspondence and telephone calls as appropriate;

2.10.4. is organising his time and resources in such a way that minimises the practitioner's need to seek adjournments of clients' criminal matters;

2.10.5. is otherwise conducting his practice in a professional manner.

2.10.6. In the event that it shall be the opinion of the supervisor that the practitioner is not meeting these standards in all respects, the supervisor shall set forth in the report the grounds for such an opinion and any recommendations he sees fit to make.

2.11. The Board shall be authorised to provide to the supervisor a copy of any current complaint against the practitioner or any new complaint received by it during the period of supervision and to discuss the same with the supervisor.

2.12. The practitioner will not conduct or engage in legal practice other than in accordance with these orders for the duration of the period of supervision.

2.13. The practitioner is to notify the Board and the supervisor in writing within 7 days of any change in the practitioner's practice or in his personal circumstances which may affect his practice.

3. Any reference to the Board shall be taken to mean and include the Legal Profession Complaints Commissioner on or after 1 July 2014.

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4. Conditions be imposed on the practitioner's practising certificate in terms of this Order from 1 May 2014 until 30 April 2017.

5. The Board, the practitioner and the supervisor shall each be at liberty to seek such further directions from time to time as they may be advised.

6. The practitioner shall pay the Board's costs of and incidental to all proceedings before the Legal Practitioners Disciplinary Tribunal to date, to be agreed or adjudicated.

7. The practitioner shall pay the Board's costs of and incidental to these proceedings, to be agreed or adjudicated.

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SENIOR DEPUTY REGISTRAR