

PRESENTATION OF PAPER

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I will discuss my paper by presenting a fact situation for you to consider. You are the principal partner of a city legal firm which you have spent the last twenty years building up. You are sitting in your office on the 50th floor of the MLC Building when you receive an agitated telephone call from an established and valued client. He complains that the employee solicitor in charge of his file has not been returning telephone messages nor providing documents to him on time. The client further states that because of the employee solicitor's inattention, contracts were not exchanged which has now meant the loss of a lucrative property deal. You're alarmed by this and go to the employee solicitor's office immediately. You locate the file of the client and discover that everything the client has told you is true - the file has been sadly neglected. You then inspect the other files handled by the employee solicitor and find that they are in a similar state. Even more surprisingly, you find that the employee solicitor has been doing private work, contrary to the rules and requirements of the Law Society. From an examination of these files, you discover that he is operating a trust account without reference to the Law Society. This alarms you greatly.

You call in the employee solicitor and ask for an explanation. After considering what he has to say, together with the material you have uncovered, you dismiss the employee solicitor and escort him out of the office. You also advise him that you will consider what further action to take. Later that day, you consult your partners and immediately implement procedures to ensure that files are regularly reviewed and that there is little, if any, possibility of a lawyer being able to carry out private work in the office and that clients' matters are handled professionally and properly. You also decide to refer the matter to the Law Society for action.

No one would say that the actions of the principal partner were unreasonable and, in fact, all of us would endorse the action that he has taken. The principal partner was at all times acting in the best interests of the firm and its clients.

So, too, the Commission acts in the best interests of the public sector and the public. Any member of the public can complain about a matter involving official corruption. The Commission is empowered, pursuant to section 23 of the Act, to enter public premises and inspect the documents therein. The Commission is empowered, pursuant to section 21, to request a statement of information from a public official or authority. The Commission is also empowered, pursuant to section 22, to request the production of documents or other matter. The Commission can hold hearings, take evidence and report as to its findings together with recommendations. The Commission can also refer the matter to an appropriate person or agency for action.

However, all that the Commission does is monitored by the Operations Review Committee and the Parliamentary Joint Committee. Furthermore, the Commission must submit a report to both Houses of Parliament in relation to matters that have been investigated and in which public hearings have been held.