



Summary of Judgment

PETSINIS v VICTORIAN LEGAL SERVICES BOARD

[2016] VSC 389

13 July 2016

The Full Court of the Supreme Court of Victoria today delivered judgment on an application for readmission from Mr Peter Petsinis. The Court declared Mr Petsinis is a fit and proper person to be readmitted to the Australian legal profession, subject to the imposition of certain conditions on his readmission.

Mr Petsinis became a lawyer in 1979 when he was admitted by the Supreme Court to the Australian legal profession. Shortly after that time he commenced work as a sole practitioner. For a period in 1980-1, Mr Petsinis routinely stole a portion of the settlement payments he secured for the clients of his practice who had personal injury claims. The offences were discovered after his accounts were investigated in August 1981.

In 1984, Mr Petsinis was convicted of 29 counts of theft and one count of having a deficiency in his trust account and was struck off the Supreme Court roll of practitioners.

After being struck off, Mr Petsinis commenced practising as a conveyancer which he was permitted to do. That practice commenced in 1985 and continues today. During this time, Mr Petsinis at times engaged in unauthorised legal work.

In 2014, Mr Petsinis lodged his application for readmission. The Board of Examiners, now the Victorian Legal Admissions Board, determined by statutory majority that Mr Petsinis was a fit and proper person for readmission. The Board reasoned Mr Petsinis had acknowledged his failures and apologised appropriately. The Board then referred the matter to the Full Court for its consideration of Mr Petsinis' readmission.

In its reasons, the Court noted that a key focus in considering applications for readmission is determining whether the presumed 'permanent unfitness' that resulted in the applicant's removal from the Supreme Court roll persists. In Mr Petsinis' case, the Court concluded it did not. The Court noted that his dishonest conduct had ended in 1981 and none of the subsequent matters raised against him suggested any dishonesty continued.

The Court reasoned that Mr Petsinis had squarely faced the errors in his past behaviour and, having done so, would make no further lapses. The Court further noted that Mr Petsinis did not wish to practise as a solicitor or barrister but wished to be returned to the Supreme Court roll in order to further his practice as a conveyancer, an area in which he has extensive experience. The Court accepted that Mr Petsinis would pose no risk to the public if he were admitted.

The Court declared Mr Petsinis is a fit and proper person to be admitted to the Australian legal profession subject to the conditions that he will not apply for a practising certificate and that he will confine his practice to conveyancing and 'conveyancing work' as defined under s 4 of the *Conveyancers Act 2006*.

NOTE: This summary is necessarily incomplete. It is not intended as a substitute for the Court's reasons or to be used in any later consideration of the Court's reasons. The only authoritative pronouncement of the Court's reasons and conclusions is that contained in the published reasons for judgment.