



THE
VICTORIAN
BAR
ETHICS COMMITTEE



Confidential

Ms. Victoria Marles
Legal Services Commissioner
Level 9
330 Collins Street
MELBOURNE 3000

4 October 2006

ATTN: Ms. Angela Barac

Dear Commissioner

**Re: Complaint by Mr. Carl Williams against Ms. Nicola Gobbo of Counsel
- File No. LSC/06/3970**

The Ethics Committee considered this matter at its meeting on Tuesday, 3 October 2006.

In accordance with your letter dated 23 August 2006 I enclose the file together with Memorandum dated 5 October 2006 which includes the Committee's draft reasons for decision.

Yours sincerely,

Debbie Jones
Manager
Ethics & Investigations

Enc.

Per: Catherine Mukhtar
Assistant – Ethics Committee

MEMORANDUM

TO: Victoria Marles
Legal Services Commissioner

FROM: Ethics Committee
Victorian Bar Inc.

DATE: 4 October 2006

RE: Mr. Carl Williams against Ms. Nicola Gobbo of Counsel

FILE NO: LSC/06/3970

Complaint

The Legal Services Commissioner requested the Ethics Committee pursuant to an instrument of referral to investigate the disciplinary complaint.

The Ethics Committee considered that Mr. Williams makes complaint that Ms. Gobbo had a conflict of interest in regard to her representing a [REDACTED]. It is alleged Ms. Gobbo continues to keep in regular contact with the [REDACTED] by way of telephone, contact visits and appeared on his behalf at his arraignment.

Investigation

The Committee resolved that pursuant to s.4.4.11(1) of the Legal Profession Act 2004 Ms. Gobbo provide a full written explanation of her conduct and any other information or documents.

By letter dated 25 September 2006 Ms. Gobbo provided her response.

By file note dated 25 September 2006 Ms. Gobbo provided further comment.

Result of investigation

Having considered Ms. Gobbo's responses the Committee consider the Legal Services Commissioner dismiss the disciplinary complaint under s.4.2.10(1)(b) as misconceived and lacking in substance.

Ethics Committee's Reasons:

The reason why the Committee was satisfied that the complaint was misconceived and lacking in substance was that, on the material provided, the Committee considered that the matters the subject of Mr. Williams complaint do not raise any ethical issues to suggest that Ms. Gobbo acted unethically or unprofessionally. In particular, Ms. Gobbo is not acting as counsel for [REDACTED] as alleged in the complaint.

Accordingly, the Committee considered that the matters referred to in this complaint raised no conduct issues which required disciplinary proceedings.

Recommendation

Pursuant to s.4.4.13(6) of the Act the Legal Services Commissioner adopt the Ethics Committee's recommendation and dismiss this complaint under s.4.2.10.(1)(b) of the Act.