

# Media Release

18 December 2013

## Solicitor out for four years for misconduct

---

Melbourne personal injuries solicitor, **Mr Sammy Bektas**, will have his practising certificate cancelled for four years after being found guilty on eight counts of professional misconduct and five counts of unsatisfactory professional conduct in the Victorian Civil and Administrative Tribunal.

The charges, brought by the Legal Services Commissioner, relate to complaints made by ten of Mr Bektas' clients, and involve issues including excessive overcharging of legal fees, placing undue and improper pressure on clients, failing to advise clients adequately, dealing with trust money in breach of statutory requirements and failing to adequately respond to the Commissioner's requests for information.

The Commissioner, Michael McGarvie, welcomed the result.

'The seriousness and the scale of the misconduct warranted a strong response in the interests of consumer protection,' Mr McGarvie said.

'Overcharging and then bullying his clients into paying the grossly excessive fees was just not on. The regulator was bound to take this comprehensive action in the face of overwhelming evidence of wrongdoing,' Mr McGarvie said.

In her decision VCAT Vice President Judge Jenkins noted Mr Bektas' conduct represented a most serious dereliction of duty for a lawyer, and that he had not demonstrated genuine remorse for his actions, nor any insight into the effects those actions had on his clients. VCAT also noted that many of the clients were vulnerable for reasons including having English as a second language.

VCAT ordered Mr Bektas' practising certificate be cancelled for a period of four years from 31 January 2014, allowing Mr Bektas enough time to get his clients' affairs in order and transfer or sell his single-owner practice to another lawyer.

VCAT also said that should he reapply for a certificate after this time, Mr Bektas is to only be granted an employee or a corporate practising certificate for a total period of two further years. This means Mr Bektas cannot run a law firm during this time. A condition was also added that any future employer for this period be approved by the Commissioner or the Legal Services Board.

Mr Bektas was also ordered to pay the Commissioner's costs fixed at \$200,000.

ENDS