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This was published 12 years ago

Bankrupt barrister struck off

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September 9, 2008 – 10.00am



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A FORMER state Liberal Party vice-president, Alexander Stanislaw Howen, has been struck off as a barrister for professional misconduct.

The decision to revoke Mr Howen's practising certificate - effective from September 19 - was made on Friday by the NSW Administrative Decisions Tribunal, headed by the District Court judge Angela Karpin, after complaints from the NSW Bar Association, the Law Society and a former client.

Mr Howen, a bankrupt, earlier this year successfully defended one of five Liberal Party supporters caught distributing racially inflammatory leaflets purporting to be from a radical Islamic group in the western Sydney seat of Lindsay during last year's federal election.

In ordering Mr Howen be struck off, the tribunal found he had misled the Australian Industrial Relations Commission in 1999 and failed to protect the interests of his then client Michael Iverson, who had been sacked from Qantas.

Mr Iverson had contested his dismissal but Mr Howen failed to lodge his claim with the commission within the required 21-day statutory period.

When he relodged the unfair dismissal claim with the commission, he did so falsely blaming the delay on his client's struggle with depression over the months.

The commission subsequently refused to let Mr Howen file the appeal under a "fair go clause".

The tribunal heard Mr Howen was the cause of the delay, despite being urged by his client for more than four months to file the application.

In considering an application from the Bar Society that he be struck off, the tribunal said last May that Mr Howen's "conduct amounted to a breach of the barrister's duty of honesty and candour to the court ... and an intentional preferring of his own interests over those of his client".

Such conduct "would be regarded by the barrister's colleagues of good repute and competency as both disgraceful and dishonourable", the tribunal said.

Last week, it found the respondent had "knowingly made misleading statements to the AIRC" and "failed to protect his client's interests".

It also found him guilty of two counts of professional misconduct by failing to comply with investigations by the Bar Association or seek professional counselling.

Mr Howen was ordered to pay fines totalling \$4000 and the Bar Association's costs.

The action follows a series of complaints and disciplinary action against Mr Howen, who in November 2003 sparked an ugly row within the NSW Liberal Party by renominating for its vice-presidency, a position from which he had been ousted in April of that year.

In-fighting erupted among rival candidates who felt he should not hold the post, after the tribunal reprimanded him in May 2003 for failing to comply with a notice by the Legal Services Commissioner to respond to a client's complaints.

In reaching its decision to strike Mr Howen off the legal practitioners roll, the tribunal said it also took into account other past disciplinary actions taken against him. These included delaying notification in 2002 that he was bankrupt.

Mr Howen unsuccessfully sought to be allowed to finish a number of part-heard trials that he is engaged in.