

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 007/06

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: MICHAEL EDMUND LEAHY

ORDER

Before: Mr P Cooper (Chairperson), Mr W LeMass (Legal Practitioner) and Ms P Frampton (Lay Member)

Date: 13 June 2006

Basis for Judgement: Originating Application filed on 09 January 2006

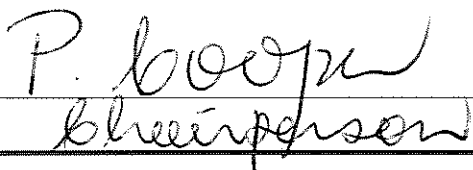
THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:

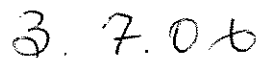
1. The Committee records that the respondent acknowledged that his conduct amounted to unsatisfactory professional conduct.
2. The Committee finds that the conduct, namely breaches of section 10(1) of the *Trust Account Regulations 199* and breaches of section 16(2) of the *Trust Account Regulations 199* amounts to unsatisfactory professional conduct. The Committee finds the respondent guilty of unsatisfactory professional conduct.

ORDER
Filed on behalf of the Applicant
Form 59rr661

Legal Services Commission
Level 25, 307 Queen Street
Brisbane Qld 4000
Telephone: (07) 3406 7737
Facsimile: (07) 3406 7749

3. The Committee fines the respondent \$2000 to be paid to the Legal Practitioners Interest on Trust Accounts Fund. The fine to be paid within 30 days of this hearing.
4. The Committee orders that the practitioner be publicly reprimanded.
5. Reasons: The practitioner has pleaded guilty to the charges. The Committee has taken into account the following:
 - (a) The respondent indicated to the Commission at an early stage that he would not be contesting the application.
 - (b) The respondent has co-operated with both the Commission and the Queensland Law Society.
 - (c) There is no evidence of dishonesty.
 - (d) All funds were restored without loss or complaint.
 - (e) The respondent has sought to improve the management of his practice. However, the failure to maintain proper trust accounts is a serious matter and amounts to unprofessional conduct.
 - (f) The Committee orders the costs to be subject to agreement, failing agreement to be assessed on a standard basis. Costs to be paid within 30 days of agreement or determination.
6. It is also noted that the respondent failed to advise the society in writing of the deficiency in his trust account immediately he became aware of it. Nor did he seek to reimburse the trust account for the deficiency in funds. Mr Griffin has made submissions with respect to a private reprimand. While recognising the respondent's many years of practice, the Committee does not find any special circumstances in this case.


P. Cooper
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3.7.06

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