

LEGAL PRACTICE COMMITTEE OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 010/06

Applicant: LEGAL SERVICES COMMISSIONER

AND

Respondent: MICHAEL JOHN WRIGHT

ORDER

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

Date: 4 June 2007

Basis of Judgement: Originating application filed on 10 August 2006

THE ORDER, FINDINGS AND REASONS OF THE COMMITTEE:

The respondent is a 59-year-old Queensland solicitor, and was admitted to practise as a solicitor by the Supreme Court of Queensland on 21 August 1998. There are two charges faced by the respondent, which allege a total of 10 breaches of section 7 of the Trust Accounts Act 1973, namely depositing to the respondent's general account moneys which are properly trust moneys. The Committee notes that the respondent did not operate a trust account. The Committee notes that the respondent has informed the Committee today that he now has a trust account.

In respect of charge 1, the moneys deposited to general comprised balance of purchase moneys in conveyancing transactions and, in six of the nine matters, included a component for professional costs and outlays. In respect of charge 2, the moneys deposited to general include money due to the seller and buyer. There has been filed a statement of agreed facts.

In relation to charge number 1, the respondent acknowledges that, in relation to the nine transactions that comprised this charge, that he did not have a written authority to deposit trust moneys to his general account. The Committee records that the respondent did have oral instructions from his client regarding the deposits. In relation to charge 2, the respondent

ORDER
Filed on behalf of the Applicant
Form 59rr661

Legal Services Commission
Level 25, 307 Queen Street
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LEGAL PRACTICE COMMITTEE OF QUEENSLAND

acknowledges that he did not have the written authority from the parties entitled to those moneys to bank those moneys to his general account.

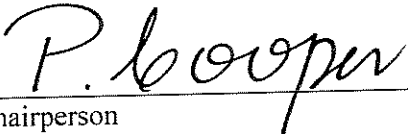
The Committee finds the two charges proved, and the respondent's conduct amounts to unsatisfactory professional conduct in terms of section 244.

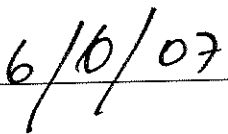
In determining what penalty should be imposed, the Committee has taken into account the following:

- (a) The respondent has no previous findings by a disciplinary body.
- (b) The conduct is at the lower end of the range for this type of conduct.
- (c) The respondent co-operated with the Queensland Law Society and the applicant during the course of the investigation.
- (d) The respondent gained no financial advantage from his actions and no complaint was made by any client.
- (e) The Committee has taken into consideration the case of Anthony Harold Bailey which was heard by the Solicitors' Complaints Tribunal, case number 121.

The following are the findings and orders of the Committee:

- (1) The Committee grants leave to the applicant to amend the disciplinary application in accordance with the applicant's written submissions.
- (2) The Committee finds the two charges proved, and that the respondent's conduct of banking trust moneys to his general account, as detailed in charges 1 and 2 in breach of section 7 of the Trust Accounts Act 1973, amounts to unsatisfactory professional conduct.
- (3) The Committee finds the respondent guilty of unsatisfactory professional conduct.
- (4) The Committee publicly reprimands the respondent, which is hereby administered.
- (5) The Committee orders the respondent pay by way of penalty to the Legal Practitioners Interest on Trust Accounts Funds the sum of \$2000 by 4 July 2007.
- (6) The Committee orders the respondent pay the applicant's costs of \$1000 by 4 July 2007.


Chairperson


Date

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