

**LEGAL PRACTICE COMMITTEE OF QUEENSLAND**

**OFFICE:** Brisbane  
**NUMBER:** 010/06

**Applicant:** LEGAL SERVICES COMMISSIONER

**AND**

**Respondent:** MICHAEL JOHN WRIGHT

**DISCIPLINE APPLICATION**

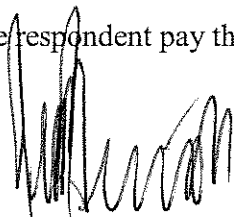
**A. DETAILS OF APPLICATION**

This application is made under section 276 of the *Legal Profession Act 2004* ("Act").

On the facts stated in the particulars of charge set out below, the applicant seeks the following orders:

1. Pursuant to section 282 of the Act that the respondent is guilty of unsatisfactory professional conduct.
2. Such further or other orders or directions as may be just.
3. The respondent pay the applicant's costs of the application.

Signed:



Description: **Legal Services Commissioner**

Dated:

9 August 06

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## B. PARTICULARS OF CHARGE

The Commissioner alleges that the following charges constitute unsatisfactory professional conduct:

### Charge 1 – Various matters

1. On divers dates between 27 October 2003 and 20 May 2005 the respondent, being a solicitor and trustee of property, dealt with client's trust moneys in breach of the terms of the trust and in breach of Section 7 of the *Trust Accounts Act 1973* by, without authority or any other lawful entitlement, depositing or permitting the depositing of trust moneys to the credit of his general account.

#### Particulars

- 1.1 At all material times, the respondent:
  - (a) was the sole principal of the law practice of Wrightway Legal.
  - (b) did not maintain or operate a trust bank account.
- 1.2 **Annexure A** to this discipline application is a Schedule showing conveyancing transactions conducted by the respondent during the period between 27 October 2003 and 20 May 2005
- 1.3 In each of 9 transactions particularised in the Schedule:
  - (a) The respondent deposited to his business/general account, a sum of money being balance purchase moneys and his costs and outlays in the conveyancing matter ("the payment").
  - (b) The respondent did not obtain a written authorisation from his clients to deposit the payment to his business/general account.
  - (c) The payment was mixed with the respondent's own moneys and applied to the respondent's own use and benefit until the respondent paid the trust moneys to the persons entitled thereto for the settlement of the transaction.
  - (d) The respondent knew or ought to have known that the payment constituted trust moneys which he deposited to his business/general account in breach of section 7 of the *Trust Accounts Act 1973* without the respondent having any lawful entitlement or authority to so deposit it.

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## Charge 2 - The transaction B Simic & I Tarasova – Sale to Burrows

2. On 19 March 2004 the respondent, being a solicitor and trustee of property, dealt with client's trust moneys in breach of the terms of the trust and in breach of Section 7 of the *Trust Accounts Act 1973* by, without authority or any other lawful entitlement, depositing or permitting the depositing of trust moneys to the credit of his general account.

### Particulars

- 2.1 The applicant repeats and relies on particular 1.1 above.
- 2.2 The respondent acted for both the seller and the purchaser in the conveyancing matter Simic & Tarasova – sale to Burrows.
- 2.3 On 19 March 2004, the respondent deposited to his business/general account, the sum of \$21,978.57 being outstanding rent payable by the purchaser, Burrows to the sellers, Simic & Tarasova.
- 2.4 The respondent did not obtain a written authorisation from his client, Burrows, to deposit the sum of \$21,978.57 to his business/general account.
- 2.5 The sum of \$21,978.57 was mixed with the respondent's own moneys and applied to the respondent's own use and benefit until 23 March 2004 when the respondent paid the sum of \$15,750.53 to the persons entitled thereto.
- 2.6 The balance trust moneys in the sum of \$6,228.04 which was due to the sellers, Simic & Tarasova, remained mixed with the respondent's own moneys and applied to the respondent's own use and benefit until it was brought to the respondent's attention by an auditor of the Queensland Law Society on 12 December 2005 and this sum was subsequently disbursed to the seller on 16 December 2005 (\$5,500) and on 23 December 2005 (\$741.04).
- 2.7 The respondent knew or ought to have known that the sum of \$21,978.57 constituted trust moneys which he deposited to his business/general account in breach of section 7 of the *Trust Accounts Act 1973* without the respondent having any lawful entitlement or authority to so deposit it.

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**C. TO THE RESPONDENT**

Michael John Wright  
Of Wrightway Legal  
Unit 8, 2460 Gold Coast Highway, Mermaid Beach in the State of Queensland

This application will be heard by the Committee at a time and date to be fixed.

Filed with the Committee on 10 / 8 / 2006

Secretariat: *T. Newman*

If you wish to contest this application, or to make submissions on penalty, you must lodge a Notice of Address for service with the Secretariat within fourteen [14] days of service of this application on you. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. If you fail to file a Notice of Address for service with the Secretary within fourteen [14] days of service of this application on you, the matter will be heard in default of your appearance, on a date to be fixed being not less than twenty one [21] days after service of this application on you.

**D. SERVICE**

APPLICANT'S ADDRESS FOR SERVICE:

Name:	Legal Services Commission
Applicant's business address:	Level 25, 307 Queen Street. Brisbane Qld 4000
Address for service:	As Above
DX:	DX 40118 Brisbane Uptown
Telephone:	(07) 3406 7737
Fax:	(07) 34067749
E-mail address:	<a href="http://www.lsc@lsc.qld.gov.au">www.lsc@lsc.qld.gov.au</a>

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**ANNEXURE A**

Annexure A to the Discipline Application.

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## SCHEDULE

No	Transaction	Date of payment	Amount of payment	Date of settlement
1	E & B Jenz – purchase from Williams	28 October 2003	\$280,380.31	31 October 2003
2	Hammond – purchase from Steenhuis & Toose	31 October 2003	\$202,844.00	4 November 2003
3	Powdrill – purchase from Price	20 November 2003	\$208,825.33	24 November 2003
4	C B Norris – purchase from Upcroft	12 March 2004	\$191,500.00	16 March 2004
5	McCormick – purchase from Guyomar	28 May 2004	\$248,300.00	4 June 2004
6	Johman Pty Ltd – transfer to Wilson	28 May 2004	\$218,013.85	28 May 2004
7	Doring & Stone – purchase from Burgess & Baxter	3 June 2004	\$26,730.14	8 June 2004
8	J M Candia – purchase from Barnett & Squire	23 July 2004	\$17,250.00	18 July 2004
9	J Taylor – property settlement	19 May 2005	\$49,662.59	24 May 2005

**R E C E I V E D**  
 19 AUG 2006  
 by *P. Redman*  
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