

## ***In the Matter of Paul John Crowley***

**Case No:** SCT/44  
**Date of hearing:** 29 November 2000  
**Appearing before:** Mr G C Fox (Chair)  
Mrs C C Endicott  
Ms D A Wilson (Lay Member)  
**Penalty:** Struck off

### **Charges**

On 4 May 2000, the practitioner, having entered a plea of guilty, was convicted on charges –

- (i) that he misappropriated property between 1 September 1994 and 7 February 1996,
- (ii) that he uttered forged documents with circumstances of aggravation on 7 June 1996.

### **Appearances**

- (a) For the Council of the Queensland Law Society Incorporated:  
Mr B Bartley, solicitor, Brian Bartley & Associates, solicitors
- (b) For the practitioner:  
Ms JA Schafer, solicitor, Thynne & Macartney, solicitors

### **Findings & Orders**

The tribunal found the charge set out in the Notice of Charge dated 13 October 2000 proved and that the charge constituted professional misconduct. The tribunal found the practitioner guilty of professional misconduct.

The tribunal ordered that the practitioner's name be struck from the Roll of Solicitors of the Supreme Court of Queensland.

The tribunal further ordered that the costs of and incidental to the application be paid by Paul John Crowley, and that the amount of those costs be as agreed, or, failing agreement, as assessed by Monsour Legal Costs Pty Ltd.

### **Reasons**

The charges to which the practitioner pleaded guilty in the District Court were inconsistent with any concept of continuing fitness to practice, and in the circumstances the only option open to the tribunal was to find the charge proved and that it amounted to professional misconduct.

## ***In the Matter of Practitioner X***

**Case No:** SCT/38  
**Date of hearing:** 13 February 2001  
**Appearing before:** Ms C C Endicott (Chair)  
Mr P L Cooper  
Ms D A Wilson (Lay Member)  
**Penalty:** Fined \$15,000.00

### **Charges**

1. That the practitioner is guilty of professional misconduct or alternatively unprofessional conduct or practice in that he did, in breach of his duty as a solicitor, act in breach of Rule 85 of the Queensland Law Society Rules in that the practitioner, having been engaged by a person (not being an "excepted person" as defined in Rule 85) to negotiate or otherwise act in respect of a contract or mortgage under or upon which that person had provided or agreed to provide credit to another person did, during the course of such engagement, act for such other person in respect of a matter in which the credit (or part of it) had been or was intended to be applied.

#### **Particulars**

In or about February - July 1998, the practitioner acted:

- (i) for ERW, RJC and DMC in respect of an advance of \$118,500.00 to DFB; and
- (ii) for DFB in respect of the matter of the purchase by him of properties in respect of which purchases the advance of \$118,500.00 was applied.

2. That the practitioner is guilty of professional misconduct, or alternatively unprofessional conduct or practice in that the practitioner did:

- (i) by letters dated 2 July 1998 and 11 August 1998, write to the Queensland Law Society Incorporated ("the Society") during the course of the Society's investigation of the matter of a complaint against the practitioner by RJC & DMC and
- (ii) by letter dated 12 June 1998, write to Messrs J, the newly appointed solicitors for RJC & DMC.

which letters contained representations which were recklessly made, uncaring as to their accuracy.

#### **Particulars**

- (a) By contract dated 29 January 1998, RJC & DMC, as mortgagees exercising power of sale, contracted to sell a property of which LEM was