

In the Matter of Practitioner Z

Case No: SC/379
Date of Hearing: 4 March 1997
Appearing Before: Mr G A Murphy (Chairman)
Mr J S P O'Keefe
Mr A W Watt

Penalty: Censured

On 3 September 1996 the Statutory Committee heard charges laid by the Council of the Queensland Law Society against Practitioner Z by application dated 25 June 1996.

The charges brought against the practitioner were:

1. That on 22 May 1993 the solicitor forged a document purporting to be a sales receipt signed by one of the partners of the firm at which he was employed.

Particulars

- 1.1 At all material times the solicitor was employed by AB Solicitors
- 1.2 On 22 May 1993 without the knowledge or authority of AB Solicitors, the solicitor purchased alcohol at a cost of \$103.70 from a hotel in the name of AB Solicitors.
- 1.3 In the course of that transaction, the solicitor forged the signature of Mr C then a partner of AB Solicitors.
2. That on 22 May 1993, the solicitor knowingly and fraudulently uttered a false document purporting to be a sales receipt signed by one Mr C.

Particulars

- 2.1 That at all material times the solicitor was employed by AB Solicitors.
- 2.2 On 22 May 1993 without the knowledge or authority of AB Solicitors, the solicitor purchased alcohol at a cost of \$103.70 from a hotel in the name of AB Solicitors.
- 2.3 In the course of that transaction, the solicitor forged the signature of Mr C, then a partner of AB Solicitors on a sales receipt and knowingly and fraudulently uttered that false document.

The society was represented by a solicitor and the practitioner by Counsel instructed by solicitors.

By affidavit, the practitioner pleaded guilty to the allegations contained in the application dated 25 June 1996. No evidence was called.

The Committee found proved the alleged facts in the application of the Queensland Law Society Incorporated dated 25 June 1996 proved. The Committee found those facts constituted professional misconduct.

The Committee took into account all of the circumstances including that the incident was totally out of character, that the practitioner made full restitution promptly, that the practitioner had shown remorse, that the practitioner had already suffered considerable consequences both personally and financially, the practitioner's conduct over the three years since the incident occurred, the affidavits filed as to the practitioner's character and conduct, that the practitioner had fully co-operated with the Society in its investigation and had already paid the Society's costs.

The Committee censured the practitioner.

The Committee further ordered that the practitioner pay the costs of the Clerk to the Statutory Committee and the shorthand writer to be assessed or taxed.