

the costs incurred by the Queensland Law Society Incorporated of and incidental to these proceedings, such costs to be agreed upon, assessed or taxed.

Reasons

The practitioner admitted the facts contained in all six charges.

He elected to give sworn evidence. The Tribunal was satisfied that the practitioner was honest and frank in giving his evidence in chief and under cross-examination. He furnished explanations of his conduct in respect of all charges and the Tribunal took his explanations into account when considering the imposition of penalty.

Solicitors Complaints Tribunal

In the Matter of Andrew Charles Lauchland

Case No: SCT/16
Date of Hearing: 13 July 1999
Appearing Before: Mr J S P O'Keefe (Chairperson)
Ms C C Endicott
Mr G Campbell-Ryder (Lay Member)
Penalty: Struck off

Charges

1. The practitioner:

1.1 By a letter dated 26 July 1994, falsely informed Messrs O, solicitors for the first and second defendants in Magistrates Court (Coolangatta) proceedings No. 186 of 1991 brought by him on behalf of his client S that:

- 1.1.1 he had had a lengthy conference with his said client and her parents on the previous evening;
- 1.1.2 he had received 'initial instructions' to discontinue the proceedings against the third defendants;
- 1.1.3 his instructions were to make application to have the matter transferred to the District Court at Southport;
- 1.1.4 his client understood that O's costs of the adjournment would have to be met, when he well knew that he had had no such conference and had received no such instructions.

1.2 By letter dated 26 July 1994, falsely informed Messrs W, solicitors for the third defendant in the said proceedings that:

- 1.2.1 he had had lengthy discussions with his said client on the previous evening;
- 1.2.2 his client had given instructions to have the action transferred to the District Court at Southport;
- 1.2.3 his client had given instructions to discontinue the proceedings against Ws' client, when he well knew that he had had no such conference and had received no such instructions.

1.3 By letter dated 26 July 1994, falsely informed the Registrar of the Magistrates Court Coolangatta that:

- 1.3.1 his said client had given instructions to make application to have the matter remitted to the District Court;
- 1.3.2 he held instructions to discontinue the proceedings against the third defendant, when he well knew that he held no such instructions.

1.4 On or about 26 July 1994, fraudulently affixed or caused to be affixed to an affidavit prepared in the name of his client S, the signature LHS.

1.5 On or about 26 July 1994, filed or caused to be filed the said affidavit in the Brisbane Registry of the District Court of Queensland, thereby propounding it to the Court as an affidavit duly executed.

1.6 On or about 29 July 1994 agreed, purportedly on behalf of his said client, with the solicitors for the first and second defendants to settle his client's

claim by discontinuing the action against the first and second defendants on the basis that they would bear their own costs when he had not sought and did not receive any instructions from his client to make any such agreement.

2. On or about 10 November 1997, while acting for his client J in Federal Court proceedings, being an application to set aside a Bankruptcy Notice, falsely executed himself or caused to be executed by a person other than his said client an affidavit in the name of his said client with the signature MLJ.
3. On or about 10 November 1997, filed or caused to be filed the said affidavit in the Brisbane Registry of the Federal Court thereby propounding it to the Court as an affidavit duly executed.
4. On or about 1 July 1998, fraudulently converted to his own use the sum of \$1,350 being part of a cash sum of \$9,000 received by him in trust for his client W in the bankruptcy estate of C.
5. On or about 1 July 1997, fraudulently concealed the transaction referred to in Charge 4 above by debiting the said sum of \$1,350 to another account for the said client being its sale for the bankruptcy estate of R.
6. On or about 31 July 1998, fraudulently converted to his own benefit from funds held in the trust account of his employer Messrs R on behalf of the estate of which he, the practitioner, was also a joint executor, the sum of \$1,500.
7. On or about 7 August 1998, fraudulently converted to his own use the sum of \$800 being trust funds held on behalf of his client J S.

Appearances

- (a) For the Council of the Queensland Law Society Incorporated:
Mr R S Ashton, solicitor of Minter Ellison, Solicitors appeared
- (b) For the practitioner:
Mr I F Deardon of Deardon Lawyers appeared .

Findings and Orders

1. The Tribunal found the practitioner guilty of professional misconduct.
2. The Tribunal ordered that the name of practitioner, Andrew Charles Lauchland, be struck from the Roll of Solicitors in the Supreme Court of Queensland.
3. The Tribunal further ordered that Andrew Charles Lauchland pay the costs of the Queensland Law Society Inc. of and incidental to those proceedings, such costs to be agreed upon, assessed or taxed.
4. The Tribunal further ordered by consent that Andrew Charles Lauchland be granted time to pay, such time span to be agreed upon between the Queensland Law Society Inc. and Andrew Charles Lauchland but the period is not to exceed twelve (12) months from today's date, namely 13th July 1999.

Reasons

Through his solicitor, the practitioner informed the Tribunal that he did not contest the proceedings, that he admitted that the charges constituted professional misconduct and that he consented to the inevitable order that the Tribunal would make, that he be struck from the Roll of Solicitors. He expressed to the Tribunal his extreme sorrow and shame with respect of the matters before it. He also apologised to the profession in general for causing it any disrepute as a result of his actions.