

In the Matter of Dennis John Lillie

Case No. SCT/60
Date of Hearing: 11 December 2001
Appearing Before: Mr G C Fox (Chair)
Mr P Cooper
Ms I Vallin-Thorpe (Lay Member)
Penalty: Struck off

Charge

Between January 1999 and October 1999, the practitioner fraudulently converted to his own use the sum of \$43,557.50 from funds held by him in his trust account.

Particulars

- (a) Until 30 June 1998, the practitioner conducted practice under the name of Lillie & Associates at Sherwood House, Toowong.
- (b) Between 1 July 1998 and 7 September 1998, the practitioner was a consultant with Eardley Motteram, solicitors of Toowong, Brisbane.
- (c) From on or about 18 September 1998 until 22 March 1999, the practitioner practised under the name of Lillie & Associates.
- (d) From 23 March 1999 until 30 June 1999, the practitioner was a consultant to MF Lyons & Associates.
- (e) During the period from 22 January 1999 to 26 October 1999, the practitioner drew 37 trust account cheques in favour of his firm, without reference to any trust ledger account and thereby fraudulently converted to his own use the sum of \$43,557.50.

Appearances

- (a) For the Council of the Queensland Law Society Incorporated:
Ms J.A. Schafer, solicitor of Dibbs Barker Gosling, solicitors
- (b) For the practitioner:
Mr B Johnson, solicitor of Pattison and Barry,

solicitors

Findings and Orders

1. The tribunal rejected the practitioner's application for an adjournment.
2. The tribunal found the matters outlined in paragraphs 1 (a), (b), (c) and (e) in the particulars of the notice of charge dated 26 October 2001 proved and found that those matters amount to professional misconduct.
3. The tribunal found the practitioner guilty of professional misconduct.
4. The tribunal ordered that the name of Dennis John Lillie be struck from the Roll of Solicitors of the Supreme Court of Queensland.
5. The tribunal further ordered that Dennis John Lillie pay the costs of the Queensland Law Society Incorporated, including the costs of the Clerk and the Recorder, of and incidental to these proceedings to be agreed, or failing agreement, to be assessed by Monsour Legal Costs Pty Ltd.

Reasons

The tribunal noted the co-operation by the practitioner in the conduct of this hearing with the prosecution and the tribunal. It noted the remorse expressed by the practitioner.

Reference was made in the material to a psychiatric illness as being at the root of the defendant's behaviour, and the tribunal noted that this was not challenged by the prosecution.

Nevertheless, in the circumstances there was only one possible order that the tribunal could make, and accordingly, the tribunal ordered that the practitioner's name be struck from the Roll of Solicitors of the Supreme Court of Queensland.