

In the Matter of Andrew Alexander Watson Rae

Case Number: SCT/79

Date of Hearing: 15 October 2002

Appearing Before: Mr P J Mullins (Presiding Member/
Practitioner Member)

Mr P Short (Practitioner Member)

Ms I Vallin-Thorpe (Lay Member)

Penalty: Struck off

Charges

Estate NWM

Breaches of section 8 Trust Accounts Act 1973

1. On 15 March 1996, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$946.77 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 15 March 1996 there was the sum of \$6,090.00 standing to the credit of his clients' individual trust ledger account. On 15 March 1996 the solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$1,600 comprising the following:

Costs \$946.77

Outlays

(postage, telephone, facsimile, petties) \$11.95

Outstanding account balance 23.11.95 \$641.28

Total \$1,600.00

In relation to the said costs of \$946.77, at the time of the said transfer the solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

2. On 29 March 1996, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$598.70 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 29 March 1996 there was the sum of \$1,013 standing to the credit of his clients' individual trust ledger account. On 29 March 1996 the solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$600 comprising \$598.70 for costs and \$1.30 for outlays. In relation to the said costs of \$598.70, at the time of the said transfer, the solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

3. On 3 May 1996 when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$198.65 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 3 May 1996 there was the sum of \$413 standing to the credit of his clients' individual trust ledger account. On 3 May 1996 the solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$200 comprising \$198.65 for costs and \$1.35 for outlays. In relation to the said costs of \$198.65, at the time of the said transfer the solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

4. On 19 July 1996, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$288.85 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 19 July 1996 there was the sum of \$971 standing to the credit of his clients' individual trust ledger account. On 19 July 1996 the solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$300 comprising \$288.85 for costs and \$11.15 for outlays. In relation to the said costs of \$288.85, at the time of the said transfer the solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

5. On 13 September 1996, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$407.20 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 13 September 1996 there was the sum of \$510.90 standing to the credit of his clients' individual trust ledger account. On 13 September 1996 the solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$415 comprising \$407.20 for costs and \$7.80 for outlays. In relation to the said costs of \$407.20, at the time of the said transfer the solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

6. On 3 December 1996, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$766.49 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 3 December 1996 there was the sum of \$88,015.42 standing to the credit of his clients' individual trust ledger account. On 3 December 1996 the solicitor rendered an account to his clients for \$766.49 costs and \$63.05 outlays a total of \$829.54 and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$829.54. In relation to the said costs of \$766.49, a period of 1 month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

7. On 20 December 1996, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$320 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 20 December 1996 there was the sum of \$62,442.45 standing to the credit of his client's individual trust ledger account. On 20 December 1996 the solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$320 comprising \$320 for costs and nil for outlays. In relation to the said costs of \$320, at the time of the said transfer the solicitor had not rendered a bill of costs to his clients had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

8. On 31 January 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$100 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 31 January 1997 there was the sum of \$57,400.45 standing to the credit of his client's individual trust ledger account. On 31 January 1997 the solicitor rendered an account to his clients for \$100 for costs and caused to be transferred from his client's individual trust ledger account to his general account the sum of \$500 for the costs of \$100 in relation to the said Estate and \$400 for costs in an unrelated matter. In relation to the balance of \$100, at the time of the said transfer the solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

9. On 2 April 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$2,450 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 2 April 1997 there was the sum of \$56,397.61 standing to the credit of his client's individual trust ledger account. On 2 April 1997 the solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$2,450 comprising \$2,450 for costs and nil for outlays. In relation to the said costs of \$2,450, at the time of the said transfer the solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

10. On 9 May 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973 caused to be transferred from his general trust account to his general account the sum of \$830 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 9 May 1997 there was the sum of \$53,947.61 standing to the credit of his client's individual trust ledger account. On 9 May 1997 the solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$830 for costs and nil for outlays. In relation to the said costs of \$830, at the time of the said transfer the solicitor had not rendered a bill of costs to his client had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

11. On 29 May 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$656.50 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 29 May 1997, there was the sum of \$50,617.61 standing to the credit of his clients' individual trust ledger account. On 29 May 1997, the Solicitor rendered an account to his clients for \$656.50 costs and \$32 outlays a total of \$688.50 and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$688.50. In relation to the said costs of \$656.50, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

12. On 20 June 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,320 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 20 June 1997 there was the sum of \$47,929.11 standing to the credit of his clients' individual trust ledger account. On 20 June 1997, the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$1,324 comprising the following:

Costs \$1,320.00
Outlays (postage) \$4.00
Total \$1,324.00

In relation to the said costs of \$1,320, at the time of the said transfer the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

13. On 27 June 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$950 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 27 June 1997, there was the sum of 46,605.11 standing to the credit of his clients' individual trust ledger account. On 27 June 1997, the Solicitor rendered an account to his clients for \$950 for costs and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$950 comprising \$950 for costs and nil for outlays. In relation to the said costs of \$950, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

14. On 16 July 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,590 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the executors of the Estate of NWM deceased. As at 16 July 1997 there was the sum of \$44,891.11 standing to the credit of his clients' individual trust ledger account. On 16 July 1997 the Solicitor rendered an account to his clients for \$1,590 costs and \$20 outlays a total of \$1,610 and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$1,610. In relation to the said costs of \$1590, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

15. On 25 July 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$2,440 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 25 July 1997, there was the sum of \$42,744.68 standing to the credit of his clients' individual trust ledger account. On 25 July 1997, the Solicitor rendered an account to his clients for \$2,440 costs and \$9.88 outlays a total of \$2,49.88 and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$2,449.88. In relation to the said costs of \$2,440, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c) and was not otherwise authorised by law to effect the transfer.

16. On 1 August 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$2,198.35 by way of costs and outlays when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 1 August 1997 there was the sum of \$40,283.67 standing to the credit of his clients' individual trust ledger account. On 1 August 1997 the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$2,200 comprising \$2,198.35 for costs and \$1.65 for outlays. In relation to the said costs of \$2,198.35, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

17. On 8 August 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,898.65 by way of costs when he was not authorised by law so to do.

Particulars

At all material times, the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 8 August 1997 there was the sum of \$38,083.67 standing to the credit of his clients' individual trust ledger account. On 8 August 1997 the Solicitor rendered an account to his clients for \$1,900 costs and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$1,900 comprising \$1,898.65 for costs and \$1.35 for outlays. In relation to the said costs of \$1,898.65, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

18. On 15 August 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$995.50 by way of costs when he was not authorised by law so to do.

Particulars

At all material times, the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 15 August 1997 there was the sum of \$36,183.67 standing to the credit of his clients' individual trust ledger account. On 15 August 1997, the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$1,000 comprising \$995.50 for costs and \$4.50 for outlays. In relation to the said transfer of \$995.50, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

19. On 22 August 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,500 by way of costs when he was not authorised by law so to do.

Particulars

At all material times, the Solicitor acted for Mr PM and Mrs RE, the Executors of the Estate of NWM deceased. As at 22 August 1997, there was the sum of \$35,183.67 standing to the credit of his clients' individual trust ledger account. On 22 August 1997, the Solicitor rendered an account to his clients for \$1,500 costs and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$1,500 comprising \$1,500 for costs and nil for outlays. In relation to the said costs of \$1,500, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

20. On 29 August 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$2,600 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE, the Executors of the Estate of NWM deceased. As at 29 August 1997 there was the sum of \$33,164.67 standing to the credit of his clients' individual trust ledger account. On 29 August 1997, the Solicitor rendered an account to his clients for \$2,600 costs and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$2,600 comprising \$2,600 for costs and nil for outlays. In relation to the said costs of \$2,600, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

21. On 5 September 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of the section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,510 by way of costs when he was not authorised by law so to do.

Particulars

At all material times, the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 5 September 1997, there was the sum of \$30,564.67 standing to the credit of his clients' individual trust ledger account. On 5 September 1997, the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$1,510 comprising \$1,510 for costs and nil for outlays. In relation to the said costs of \$1,510, at the time of the said transfer the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

22. On 12 September 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$2,929.10 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE, the Executors of the Estate of NWM deceased. As at 12 September 1997, there was the sum of \$29,054.67 standing to the credit of his clients' individual trust ledger account. On 12 September 1997, the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$2,930 comprising \$2,929.10 for costs and 90¢ for outlays. In relation to the said costs of \$2,929.10, at the time of the said transfer the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

23. On 18 September 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,949.55 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 18 September 1997, there was the sum of \$27,924.67 standing to the credit of his clients' individual trust ledger account. On 18 September 1997, the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$1,950 comprising \$1,949.55 for costs and 45¢ for outlays. In relation to the said costs of \$1,949.55, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

24. On 19 September 1997, when acting in the administration of the Estate of NWM deceased the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$500 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE, the Executors of the Estate of NWM deceased. As at 19 September 1997, there was the sum of \$25,974.67 standing to the credit of his clients' individual trust ledger account. On 19 September 1997, the Solicitor rendered an account to his clients for \$500 comprising \$500 for costs and nil for outlays and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$500. In relation to the said costs of \$500, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

25. On 14 October 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,892.95 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 14 October 1997, there was the sum of \$25,474.67 standing to the credit of his clients' individual trust ledger account. On 14 October 1997 the Solicitor rendered an account to his clients for \$1,900 comprising \$1,892.95 for costs and \$7.05 for outlays and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$1,900. In relation to the said costs of \$1892.95, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c) and was not otherwise authorised by law to effect the transfer.

26. On 31 October 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$2,794.30 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 31 October 1997, there was the sum of \$50,390.61 standing to the credit of his clients' individual trust ledger account. On 31 October 1997, the Solicitor rendered an account to his clients for \$2,800 comprising \$2,794.35 costs and \$5.70 for outlays and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$2,800. In relation to the said costs of \$2,794.30, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

27. On 7 November 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$2,000 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 7 November 1997, there was the sum of \$41,506.61 standing to the credit of his clients' individual trust ledger account. On 7 November 1997, the Solicitor rendered an account to his clients for \$2,000 comprising \$2,000 for costs and nil for outlays and on the same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$2,000. In relation to the said costs of \$2,000, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

28. On 14 November 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,397.70 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 14 November 1997, there was the sum of \$29,006.61 standing to the credit of his clients' individual trust ledger account. On 14 November 1997, the Solicitor rendered an account to his clients for \$1,405 comprising \$1,397.70 for costs and \$7.30 for outlays and on the same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$1,405. In relation to the said costs of \$1,397.70, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

29. On 18 November 1997, when acting in the administration of the Estate of NWM deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$2,000 by way of costs and outlays when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased. As at 18 November 1997, there was the sum of \$27,601.61 standing to the credit of his clients' individual trust ledger account. On 18 November 1997, the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$2,000 comprising \$2,000 for costs and nil for outlays. In relation to the said costs of \$2,000, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

Misappropriation

30. During the period 20 June 1997 to 18 November 1997 when acting in the administration of the Estate of NWM Deceased on behalf of Mr PM and Mrs RE, the executors of the estate, the solicitor misappropriated sums of money totalling \$29,847.67 held on trust by him in his clients' individual trust ledger account from time to time during the said period.

Particulars

Between 20 June 1997 and 18 November 1997 and at all material times, the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM Deceased in the administration of the estate. Between 15 March 1996 and 18 November 1997 the Solicitor transferred the sum of \$40,861.92 from his clients' individual trust ledger account to his general account for his own use purportedly in payment of costs and outlays details of which are:

Date	Details	Amount (\$)	Progressive total of transfers (\$)
15.03.96	Account 15.3.96	1,600.00	1,600.00
29.03.96	Account 29.3.96	600.00	2,200.00
03.05.96	Account 3.5.96	200.00	2,400.00
19.07.96	Account 19.7.96	300.00	2,700.00
13.09.96	Account 13.9.96	415.00	3,115.00
03.12.96	Account 3.12.96	829.54	3,944.54
20.12.96	Account 20.12.96	320.00	4,264.54
31.01.97	Account 31.1.97	100.00*	4,364.54
02.04.97	Account 2.4.97	2,450.00	6,814.54
09.05.97	Account 9.5.97	830.00	7,644.54
29.05.97	Account 29.5.97	688.50	8,333.04
20.06.97	Account 23.6.97	1,324.00	9,657.04
27.06.97	Account 27.6.97	950.00	10,607.04
16.07.97	Account 16.7.97	1,610.00	12,217.04
25.07.97	Account 25.7.97	2,449.88	14,666.92
01.08.97	NO ACCOUNT	2,200.00	16,866.92
08.08.97	Account 8.8.97	1,900.00	18,766.92
15.08.97	NO ACCOUNT	1,000.00	19,766.92
22.08.97	Account 22.8.97 (redated from 5.9.97)	1,500.00	21,266.92
29.08.97	Account 29.8.97	2,600.00	23,866.92
05.09.97	(This account, 5.9.97 was for \$1,000.00)	1,510.00	25,376.92
12.09.97	NO ACCOUNT	2,930.00	28,306.92
18.09.97	NO ACCOUNT	1,950.00	30,256.92
19.09.97	Account 19.9.97	500.00	30,756.92
14.10.97	Account 14.10.97	1,900.00	32,656.92
31.10.97	Account 31.10.97	2,800.00	35,456.92
07.11.97	Account 7.11.97	2,000.00	37,456.92
14.11.97	Account 14.11.97	1,405.00	38,861.92
18.11.97	NO ACCOUNT	2,000.00	40,861.92

* Actual trust transfer \$500 but only \$100 related to this matter.

The appropriate charge to his client for professional costs and outlays for the work carried out by the Solicitor in relation to costs and outlays the subject of the above trust transfers was \$11,014.25 so that the balance sum of \$29,847.67 (\$40,861.92 minus \$11,014.25) constituted a misappropriation by the Solicitor of his clients' trust funds. At all material times, the Solicitor knew or ought to have known that the sums overcharged to his client exceeded the sum for costs and outlays to which he was entitled, that he was not otherwise lawfully entitled to apply such sums to his own use and that they amounted to an misappropriation of clients' funds.

Overcharging

31. During the period June 1995 to November 1997 when acting in the administration of the Estate of NWM Deceased on behalf of Mr PM and Mrs RE the Executors of the Estate, the solicitor overcharged his clients for the work carried out by him.

Particulars

At all material times the Solicitor acted for Mr PM and Mrs RE the Executors of the Estate of NWM deceased in the administration of the estate. The Solicitor charged his clients \$40,861.92 by way of costs and outlays for the work carried out by him. The appropriate charge to his clients by way of costs and outlays for the work carried out by the Solicitor was a figure of the order of \$11,014.25. By charging his clients \$40,861.92 the Solicitor overcharged them by a figure of the order of \$29,846.67 (\$40,861.92 minus \$11,014.25).

Mrs ST Re: NAM – Family Law

32. During the period 12 January 1997 to 30 January 1997 when acting for Mrs ST in relation to a family law matter involving one NAM, the solicitor overcharged his client for the work carried out by him.

Particulars

At all material times the Solicitor acted for Mrs ST in relation to a family law matter concerning one NAM. The Solicitor charged his client \$4,318.99 by way of costs for the work carried out by him. The appropriate charge to his client for the costs for the work carried out by the Solicitor was a figure of the order of \$2,606.90. By charging his client \$4,318.99, the Solicitor overcharged her by a figure of the order \$1,712.09.

Estate AHW Deceased

Breaches of section 8 Trust Accounts Act 1973

33. On 27 June 1997, when acting in the administration of the Estate AHW deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,700 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr JGW, Mr and Mrs RLC and Ms LM, the Executors of the Estate AHW Deceased. As at 27 June 1997, there was the sum of \$7,500 standing to the credit of his clients' individual trust ledger account. On 27 June 1997 the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$1,750 comprising the following:

Costs \$1,700.00

Outlays

(telephone, postage, petties, facsimiles) \$50.00

Total \$1,750.00

In relation to the said costs of \$1,700, at the time of the said transfer the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

34. On 18 July 1997, when acting in the administration of the Estate AHW deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$447.30 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr JGW, Mr and Mrs RLC and Ms LM, the Executors of the Estate AHW Deceased. As at 18 July 1997, there was the sum of \$5,750 standing to the credit of his clients' individual trust ledger account. On 18 July 1997 the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$450 comprising \$447.30 for costs and \$2.70 for outlays. In relation to the said costs of \$447.30 at the time of the said transfer the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer.

35. On 5 September 1997 when acting in the administration of the Estate AHW deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$400 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr JGW, Mr and Mrs RLC and Ms LM, the Executors of the Estate AHW Deceased. As at 5 September 1997 there was the sum of \$5,300 standing to the credit of his clients' individual trust ledger account. On 5 September 1997, the Solicitor caused to be transferred from his clients' individual trust ledger account to his general account the sum of \$400 comprising \$400 for costs and nil for outlays. In relation to the said costs of \$400, at the time of the said transfer the Solicitor had not rendered a bill of costs to his clients, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973, and was not otherwise authorised by law to effect the transfer. 36. On 7 November 1997, when acting in the administration of the Estate AHW deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$500 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr JGW, Mr and Mrs RLC and Ms LM, the Executors of the Estate AHW Deceased. As at 7 November 1997, there was the sum of \$4,900 standing to the credit of his clients' individual trust ledger account. On 7 November 1997, the Solicitor rendered an account to his clients for \$500 comprising \$500 for costs and nil for outlays and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$500. In relation to the said costs of \$500, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

37. On 14 November 1997, when acting in the administration of the Estate AHW deceased, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$300 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the Solicitor acted for Mr JGW, Mr and Mrs RLC and Ms LM, the Executors of the Estate AHW Deceased. As at 14 November 1997, there was the sum of \$4,400 standing to the credit of his clients' individual trust ledger account. On 14 November 1997, the Solicitor rendered an account to his clients for \$300 comprising \$300 for costs and nil for outlays and on that same day caused to be transferred from his clients' individual trust ledger account to his general account that sum of \$300. In relation to the said costs of \$300, a period of one month from the delivery of the said bill under section 8(1)(c)(ii) of the Trust Accounts Act 1973 had not expired, the Solicitor had not received an authorisation in writing within section 8(1)(c), and was not otherwise authorised by law to effect the transfer.

Misappropriation

38. During the period 27 June 1997 to 14 November 1997 when acting in the administration of the Estate of AHW deceased on behalf of Mr JGW, Mr and Mrs RLC and Ms LM, the executors of the estate, the solicitor misappropriated sums totalling \$2,235.95 held on trust by him in his clients' individual trust ledger account from time to time during the said period.

Particulars

Between January 1997 and November 1997 and at all material times the Solicitor acted for Mr JGW, Mr and Mrs RLC and Ms LM, the Executors of the Estate AHW Deceased in relation to the administration of the Estate. On 24 June 1997, the Solicitor received into his clients' individual trust ledger account the sum of \$7,500. Between 27 June 1997 and 14 November 1997, the Solicitor transferred the sum of \$3,400 from his clients' individual trust ledger account to his general account in purported payment of costs and outlays details of which are:

Date	Amount (\$)
27.06.97	1,750.00
18.07.97	450.00
05.09.97	400.00
07.11.97	500.00
14.11.97	300.00
Total	3,400.00

The appropriate charge to his client for professional costs and outlays for the work carried out by the Solicitor from the commencement of his retainer in January 1997 until the date of his last payment from trust on account of trust and outlays on 14.11.97 was a figure of the order of \$1,164.05 so that the balance sum of \$2,235.95 (\$3,400 minus \$1,164.05) constituted a misappropriation by the Solicitor of his clients' trust funds.

Overcharging

39. During the period January 1997 to November 1997 when acting in the administration of the Estate of AHW deceased on behalf of Mr JGW, Mr and Mrs RLC and Ms LM, the executors of the estate, the solicitor overcharged his clients for the work carried out by him.

Particulars

At all material times the Solicitor acted for Mr JGW, Mr and Mrs RLC and Ms LM, the Executors of the Estate AHW Deceased. The Solicitor charged his clients \$3,400 by way of costs and outlays for the work carried out by him particulars of which are:

No.	Date of Transfer of costs and outlays from clients' individual trust ledger account	Amount
1.	27.06.97	\$1,750.00
2.	18.07.97	\$450.00
3.	05.09.97	\$400.00
4.	07.11.97	\$500.00
5.	14.11.97	\$300.00
	Total	\$3,400.00

The appropriate charge to his clients for the costs and outlays for the work carried out by the Solicitor was a figure of the order of \$1,164.05. By charging his clients \$3,400 the Solicitor overcharged them by a figure of the order of \$2,235.95 (\$3400 minus \$1,164.05).

RW

Breaches of section 8 Trust Accounts Act 1973

40. On 3 May 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$249.20 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 3 May 1996 there was the sum of \$260 standing to the credit of his client's individual trust ledger account; On 3 May 1996 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$260 comprising \$249.20 for costs and \$10.80 for outlays; In relation to the said costs of \$249.20, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

41. On 11 June 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$4,959.70 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 11 June 1996 there was the sum of \$10,000 standing to the credit of his client's individual trust ledger account; On 11 June 1996 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$5,000 comprising \$4,959.70 for costs and \$40.30 for outlays; In relation to the said costs of \$4,959.70, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

42. On 14 June 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$5,000 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 14 June 1996 there was the sum of \$5,000 standing to the credit of his client's individual trust ledger account; On 14 June 1996 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$5,000 comprising \$5,000 for costs and nil for outlays; In relation to the said costs of \$5,000, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

43. On 21 June 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,494.90 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 21 June 1996 there was the sum of \$10,000 standing to the credit of his client's individual trust ledger account; On 21 June 1996 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$1,500 comprising \$1,494.90 for costs and \$5.10 for outlays; In relation to the said costs of \$1,494.90, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

44. On 26 June 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$499.10 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 26 June 1996, there was the sum of \$3,500 standing to the credit of his client's individual trust ledger account; On 26 June 1996 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$500 comprising \$499.10 for costs and 90¢ for outlays; In relation to the said costs of \$499.10, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

45. On 1 July 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,750 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 1 July 1996 there was the sum of \$2,969 standing to the credit of his client's individual trust ledger account; On 1 July 1996 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$1,750 comprising \$1,750 for costs and nil for outlays; In relation to the said costs of \$1,750, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

46. on 12 July 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$988.45 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 12 July 1996 there was the sum of \$1,155.10 standing to the credit of his client's individual trust ledger account; On 12 July

1996 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$1,000 comprising \$988.45 for costs and \$11.55 for outlays; In relation to the said costs of \$988.45, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

47. On 13 September 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$25.60 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 13 September 1996 there was the sum of \$123.15 standing to the credit of his client's individual trust ledger account; On the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$100 comprising \$25.60 for costs and \$74.40 for outlays; In relation to the said costs of \$25.60, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

48. On 23 December 1996, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$21,705.20 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 23 December 1996 there was the sum of \$32,522 standing to the credit of his client's individual trust ledger account; On 23 December 1996 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$22,000 comprising \$21,705.20 for costs and \$294.80 for outlays; In relation to the said costs of \$21,705.20, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

49. On 21 January 1997, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$3,797.40 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 21 January 1997 there was the sum of \$9,903.15 standing to the credit of his client's individual trust ledger account; On 21 January 1997 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$3,800 comprising \$3,797.40 for costs and \$2.60 for outlays; In relation to the said costs of \$3,797.40, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

50. On 30 January 1997, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$300 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 30 January 1997 there was the sum of \$2,303.15 standing to the credit of his client's individual trust ledger account; On 30 January 1997 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$300 comprising \$300 for costs and nil for outlays; In relation to the said costs of \$300, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

51. On 31 January 1997, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$800 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 31 January 1997 there was the sum of \$2,003.15 standing to the credit of his client's individual trust ledger account; On 31 January 1997 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$800 comprising \$800 for costs and nil for outlays; In relation to the said costs of \$800, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

52. On 7 February 1997, when acting for one RW in relation to certain criminal proceedings, the solicitor, in breach of section 8 of the Trust Accounts Act 1973, caused to be transferred from his general trust account to his general account the sum of \$1,203.15 by way of costs when he was not authorised by law so to do.

Particulars

At all material times the solicitor acted for RW in relation to certain criminal proceedings; As at 7 February 1997 there was the sum of \$1,203.15 standing to the credit of his client's individual trust ledger account; On 7 February 1997 the Solicitor caused to be transferred from his client's individual trust ledger account to his general account the sum of \$1,203.15 comprising \$1,203.15 for costs and nil for outlays; In relation to the said costs of \$1,203.15, at the time of the said transfer, the Solicitor had not rendered a bill of costs to his client, had not received an authorisation in writing within section 8(1)(c) of the Trust Accounts Act 1973 and was not otherwise authorised by law to effect the transfer.

Misappropriation

53. Between on or around 14 June 1996, and in or around June 1997 when acting for one RW in relation to certain criminal proceedings, the solicitor misappropriated sums of money totalling \$27,548.30 then held on trust by him in his client's individual trust ledger account from time to time during the said period.

Particulars

Between February 1996 and June 1997 and at all material times the Solicitor acted for RW in relation to certain criminal proceedings. Between 5 March 1996 and 23 December 1996, the following amounts totalling \$47,759 were paid by or on behalf of the client into the Solicitor's trust account for the credit of his client's individual trust ledger account for the purpose of paying legal expenses:

Date	Amount \$
05.03.96	260.00
07.06.96	10,000.00
14.06.96	5,000.00
23.12.96	32,499.00
Total	\$47,759.00

Between 29 February 1996 and 7 February 1997 the Solicitor:

- raised various memoranda of professional costs and outlays for work done during various periods and, from time to time, transferred moneys from his client's individual trust ledger account to his general account for his own use in payment of those said memoranda; and
- paid on behalf of his client various amounts, not the subject of his memoranda of his professional costs and outlays, directly from his client's individual trust ledger account (direct outlays). The total amount paid from the client's individual trust ledger account as aforesaid was \$47,759 details of which are:

Date of transfer from Trust in payment of costs and outlays	Other outgoings not the subject of an account	Amount (\$)	Direct Payment of Outlays (\$)
03.05.96		260.00	
11.06.96		5,000.00	
14.06.96		5,000.00	
21.06.96		1,500.00	
26.06.96		500.00	
27.06.96	DP & Co photocopies	31.00	31.00
01.07.96		1,750.00	
11.07.96	Search Agents fees	63.90	63.90
12.07.96		1,000.00	
17.07.96	Search Agents fees	31.95	31.95
13.09.96		100.00	
23.12.96		22,000.00	
12.01.97	Doctor's Report	619.00	619.00
21.01.97		3,800.00	
22.01.97	Counsel fees	3,800.00	3800.00
30.01.97		300.00	
31.01.97		800.00	
07.02.97		1,203.15	
Total		47,759.00	\$4,545.85

On 29 February 1996, the client paid \$60 cash to the Solicitor in part payment of an account rendered that day. The total of all payments to the Solicitor was therefore \$47,819 (\$47,759 plus \$60). Of that sum \$4,545.85 represented the abovementioned direct payment of outlays from trust. The appropriate charge to his client for professional costs and outlays and direct outlays for the work carried out by the Solicitor from the commencement of his retainer in February 1996 until the date of the last work carried out by the Solicitor in June 1997 was a figure of the order of \$20,270.70 (\$15,724.85 plus direct outlays of \$4,545.85) so that the balance sum of \$27,548.30 (\$47,819 minus \$20,270.70) constituted a misappropriation by the Solicitor of his client's trust funds. At all material times the Solicitor knew or ought to have known that the sums overcharged to his client exceeded the sum for costs and outlays to which he was entitled, that he was not otherwise lawfully entitled to apply such sums to his own use and that they amounted to a misappropriation of client's funds.

Overcharging

54. When acting for RW during the period 27 February 1996 to 10 June 1997, in relation to certain criminal proceedings, the solicitors overcharged his client for the work carried out by him.

Particulars

At all material times the Solicitor acted for RW in relation to certain criminal proceedings for the period 27 February 1996 to 10 June 1997 after which latter date he continued to act but on the basis that his client received Legal Aid. During the time he acted for the client before she was granted Legal Aid, the Solicitor charged total professional costs and outlays and was paid or paid from his trust account some of those costs and outlays and certain other outgoings totalling \$47,819 particulars of which are as follows:

Date of transfer from Trust in payment of costs and outlays	Other outgoings not the subject of an account	Amount (\$)
29.02.96	Cash payment from client	60.00
03.05.96		260.00
11.06.96		5,000.00
14.06.96		5,000.00
21.06.96		1,500.00
26.06.96		500.00
27.06.96	DP & Co photocopies	31.00
01.07.96		1,750.00
11.07.96	Search Agents fees	63.90
12.07.96		1,000.00
17.07.96	Search Agents fees	31.95
13.09.96		100.00
23.12.96		22,000.00
12.01.97	Doctor's Report	619.00
21.01.97		3,800.00
22.01.97	Counsel fees	3,800.00
30.01.97		300.00
31.01.97		800.00
07.02.97		1,203.15
	Total	47,819.00

The appropriate amount due to the Solicitor by way of reasonable fees for work done by him and outlays from the commencement of his client retainer in February 1996 until the date of the last work carried out by the Solicitor in June 1997 was a figure of the order of \$20,270.70 so that by accepting payment and transferring from his trust account the total sum of \$47,819 the Solicitor overcharged his client by a figure of the order of \$27,548.30 (\$47,819 minus \$20,270.70). At all material times the Solicitor knew or ought to have known that the sums overcharged to his client exceeded the sum for such costs and outlays and that they amounted to an overcharging of his client.

Appearances

(a) For the Council of the Queensland Law Society Incorporated:

Mr M J Burns of Counsel instructed by Messrs McCullough Robertson Solicitors

(b) For the Practitioner:

Mr A J Glynn of Senior Counsel instructed by Messrs Gilshenan & Luton Solicitors

Findings and Orders

1. The Tribunal grants leave to the Queensland Law Society Incorporated to withdraw charges 30, 38 and 53.
2. The Tribunal finds the remaining charges proved and that they constitute professional misconduct.
3. The Tribunal orders that the name of the practitioner be struck off the Roll of Solicitors kept by the Registrar of the Supreme Court of Queensland.
4. The Tribunal further orders, by consent, that the practitioner pay the costs of the Queensland Law Society Incorporated of these proceedings, including the costs of the recorder and the clerk, fixed in the sum of \$25,000.
5. The Tribunal further orders that pursuant to section 6R(l)(e) of the Queensland Society Act, the practitioner repay the amounts referred to in the schedule in Exhibit 6 to the parties referred to in that exhibit and set out below:
 - (a) Mr PM and Mrs RLE, the Executors of the Estate of NWM (Deceased) in the amount of \$29,847.67;
 - (b) Mrs ST in the amount of \$1,712.00;
 - (c) Mr JGW, Mr and Mrs RLC and Mrs/Ms LM, the Executors of the Estate of AHW (Deceased) in the amount of \$2,235.95

Reasons

There are 54 charges before us. The Queensland Law Society offers no evidence in relation to charges 30, 38 and 53 and seeks leave to withdraw those charges. We grant leave for those charges to be withdrawn.

The practitioner pleads guilty to the remaining 51 charges. Forty seven of those charges relate to transferring of funds from trust to general on account of costs when not authorised to do so. Four charges are of overcharging. The charges relate to four separate files and cover a period from February 1996 to November 1997. The practitioner admits that the conduct proved against him constitutes professional misconduct. He does not oppose an order striking him off the roll.

He consents to an order being made for costs in favour of the Society for a fixed amount of \$25,000. He does not oppose an order being made pursuant to section 6R(1)(e) of the Queensland Law Society Act that the amounts set out in a schedule that was tendered to us be paid to the clients referred to in that schedule.

The charges of which he is convicted relate to a total overcharging of some \$61,343.92. These are serious matters. We have evidence that the practitioner suffers, and has suffered for some 15 years, from depression. However, we as a Tribunal, are charged to protect the public. The public must have confidence that solicitors, particularly relating to matters involving costs and the handling of trust monies, will be completely and utterly honest and trustworthy. On the material before us, we can have no confidence that the practitioner will be fit to practise in the foreseeable future. For these reasons, it is appropriate that we make an order striking the practitioner from the Roll of Practitioners.