

IN THE MATTER OF PAUL FRANCIS BRENDAN McMAHON, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J.R.C. Clitheroe (in the Chair)
Mrs. E. Stanley
Lady Bonham-Carter

Date Of Hearing: 5th December 1995

FINDINGS

of the Solicitors' Disciplinary Tribunal
constituted under the Solicitors Act 1974

An application was duly made on behalf of the Solicitors Complaints Bureau by Geoffrey Williams solicitor of 36 West Bute Street, Cardiff on the 25th August 1995 that Paul Francis Brendan McMahon of London, N19 might be required to answer the allegation contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegation was that the respondent had been guilty of conduct unbecoming a solicitor in that he had dishonestly misappropriated money from the client account of the firm of solicitors which employed him.

The application was heard at the Courtroom, No.60 Carey Street, London, WC2 on the 5th December 1995 when Geoffrey Williams solicitor and partner in the firm of Messrs. Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the respondent made by letter.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Paul Francis Brendan McMahon of London, N19 be Struck Off the Roll of Solicitors and they further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £763.75 inclusive.

The facts are set out in paragraphs 1 to 6 hereunder.

1. The respondent, born in 1966, was admitted a solicitor in 1993. At the material times he practised as an assistant solicitor in the employ of Messrs Dowse & Co. at 229-235 Camden High Street, London, NW1 7BU and 23/25 Dalston Lane, London, E8 3DF.
2. On or about the 17th August 1994 the respondent asked his employers for a client account cheque in favour of Mr. R Oliver purportedly so as to pay to the said Mr. Oliver the balance of monies held in the firm's client account on his behalf arising out of a litigation matter.
3. Shortly thereafter the respondent prepared and executed a Power of Attorney which purported to evidence the fact that the respondent had changed his name to "Robert Oliver".
4. The respondent presented the cheque and Power of Attorney at the office of the Leeds Permanent Building Society in Camden High Street, London. He opened an account with the cheque and subsequently returned to the branch in an attempt to withdraw the entire proceeds of the cheque, namely £2,552.16 in cash. The Building Society released £300 in cash to the respondent and alerted their Investigation Department.
5. Subsequent to the investigation, the respondent admitted his wrongdoing to Mr C.N.A. Baxter the Senior Partner of Messrs. Dowse & Co. He was suspended from his employment.
6. The Solicitors Complaints Bureau corresponded with the respondent in relation to the matter and the respondent had written to the Bureau making material admissions.

The Submissions of the Applicant

7. The respondent's employers recovered the sum taken by him and there had been no ultimate loss.
8. In the submission of the applicant this was a clear case of dishonesty. The respondent had instituted an elaborate scheme to take clients' money and that certainly was conduct unbecoming a solicitor. He had embarked upon a thoroughly disgraceful course of conduct where there was clear dishonesty.
9. The Tribunal's attention was drawn to letters in the bundle of documents before them which indicated that the respondent had personal problems which might have been the reason for his apparently uncharacteristic behaviour.

The Tribunal FOUND this to be a sad case. They had sympathy for the respondent's difficult personal circumstances. He himself had indicated in correspondence that the

pressures and stress had caused him to "go off the tracks". However what the respondent did was the result of a calculated course of dishonesty and could not be tolerated in a member of the solicitors' profession. The Tribunal Ordered him to be Struck Off the Roll of Solicitors and they further Ordered that he pay fixed costs.

DATED this 16th day of February 1996

on behalf of the Tribunal



J.R.C. Clitheroe
Chairman

*Findings filed with the
Law Society on the 26th
day of February 1996*

