

IN THE MATTER OF JAMES ANTHONY EDWARD O'MALLEY, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. D.E. Fordham (in the Chair)

Mr. J.R.C. Clitheroe

Lady Bonham-Carter

Date Of Hearing: 19th June 1997

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## FINDINGS

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

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An application was duly made on behalf of the Office for the Supervision of Solicitors by Jonathan Richard Goodwin, solicitor of 19 Hamilton Square, Birkenhead on 13th February 1997 that James Anthony Edward O'Malley, solicitor of Lineholt, Ombersley, Worcester WR9 might be required to answer the allegations 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 been convicted of an offence of dishonesty in the course of his practice as a solicitor.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 19th June 1997 when Jonathan Richard Goodwin, solicitor and partner in the firm of Messrs. Percy Hughes & Roberts of 19 Hamilton Square, Birkenhead, Merseyside 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 contained in correspondence.

At the conclusion of the hearing the Tribunal ORDERED that James Anthony Edward O'Malley, solicitor of Lineholt, Ombersley, Worcester WR9 be struck off the Roll of Solicitors and they furthered ordered him to pay the costs of and incidental to the application and enquiry, fixed in the sum of £1,743.51 inclusive.

The facts are set out in paragraphs 1 to 4 hereunder.

1. The respondent, born in 1956, was admitted a solicitor in 1994. At the material times he practised on his own account under the style of James O'Malley & Co. at Restdale House, 32/33 Foregate Street, Worcester. On 21st March 1994 the Law Society intervened into the respondent's practice.
2. On 9th September 1996 the respondent appeared before the Crown Court sitting at Birmingham and was convicted on his own admission of an offence of conspiracy to falsify a document required for accounting purposes.
3. On 30th May 1997 the respondent was sentenced to forty-two months imprisonment.
4. The conviction related to fraudulent claims made to the Legal Aid Board in respect of claims for costs pursuant to the "Green Form Scheme". The respondent had been tried with other conspirators. Those gentlemen appeared to have been non-lawyers who at their suggestion had fraudulently referred work to the respondent to be dealt with under the Green Form Scheme.

#### **The submissions of the applicant**

5. The respondent had been convicted of an offence of dishonesty and had a custodial sentence imposed upon him. That amounted to conduct unbecoming a solicitor at the highest end of the scale.

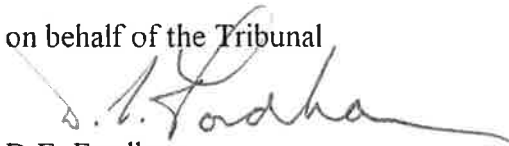
#### **The respondent made no submissions.**

#### **The Findings of the Tribunal**

The Tribunal FOUND the allegation to have been substantiated. It appeared from the papers before the Tribunal that the respondent had not been the prime mover in the matter, but he had permitted himself to be manipulated in the undertaking of certain work over which he had failed to exercise control. He had been convicted of a serious offence involving dishonesty and it was entirely right that he should not be permitted to continue in practice as a solicitor. The Tribunal made an Order striking him off the Roll of Solicitors and further ordered him to pay costs in a fixed sum.

DATED this 25th day of July 1997

on behalf of the Tribunal

  
D.E. Fordham  
Chairman

