

Media Release

15 May 2013

Former solicitor receives suspended sentence after pleading guilty

A former solicitor, **Mr Anthony Coleman** of Yarraville, has been sentenced to nine months in prison (suspended for 18 months) after pleading guilty to nine charges in the Melbourne Magistrates Court on 14 May 2013 for breaches of the *Legal Profession Act* 2004. Mr Coleman was also fined \$13,000 and ordered to pay \$20,000 in costs to the Legal Services Board.

The charges related to Mr Coleman's unauthorized use of 'regulated property', unqualified legal practice and failing to cooperate with the Receiver of his former law practice, Coleman Lawyers.

In 2011, the Supreme Court made Orders that a Receiver be appointed to Coleman Lawyers, following findings of serious financial irregularities in the running of the law practice. Immediately prior to the appointment of the Receiver, Mr Coleman advised the Legal Services Board that he would not re-apply for a practising certificate after 30 June 2011, and did not, and has not done so.

Following the Receiver's appointment, however, Mr Coleman did not cooperate with the Receiver and obstructed the Receiver in the discharge of its functions. Subsequent investigations revealed that Mr Coleman unlawfully retained a number of legal files from the former law practice and sought to continue to act in these matters in conjunction with licensed legal practitioners, even though by this time he did not hold a practising certificate, and was therefore not entitled to practise law.

The Board worked closely with the Office of Public Prosecutions and the Victoria Police on this matter, but as the offences were committed under the *Legal Profession Act*, the agencies agreed the Legal Services Board would undertake the prosecution.

Magistrate Collins told Mr Coleman that if he had not pleaded guilty to the charges, she would have imposed an immediate custodial sentence.

Legal Services Commissioner and Board CEO, Michael McGarvie said: 'This is the first time that these particular criminal provisions have been used against a lawyer; no-one is allowed to stop a court-appointed Receiver from doing their job.'

'These are very powerful provisions. The maximum penalty for each unauthorised dealing with property of a law practice, either immediately before or after the appointment of a Receiver, is six years imprisonment,' Mr McGarvie said.

'These provisions will be used when and where we need to protect consumers of legal services and the reputation of the legal profession as a whole.'

Mr Coleman also received a four month prison sentence (suspended for 12 months) after pleading guilty to charges brought by the State Revenue Office arising out of the failure to pay stamp duty on transactions in 2007 and 2008, was fined \$5,000.00 and was ordered to pay costs.