

THE HIGH COURT

2011 12 SA

IN THE MATTER OF THE SOLICITORS ACTS 1954 TO 2008

BETWEEN

DAVID GARVEY

APPELLANT

AND

MATTHEW J. NANGLE

SOLICITOR/RESPONDENT

JUDGMENT of Kearns P. delivered on the 11th day of April, 2011

This is an appeal by David Garvey ("the appellant") against a decision of the Solicitors Disciplinary Tribunal ("the Tribunal") dated 9th February 2011, that there is no *prima facie* case of misconduct on the part of Matthew J. Nangle, of Matthew J. Nangle & Co., Broadview House, Westend, Mallow, Co. Cork ("the respondent solicitor").

In the application to the Tribunal for an inquiry into the conduct of the respondent solicitor on the grounds of misconduct, the appellant alleged, *inter alia*, that: the respondent solicitor unduly influenced Cork County Council to include Ballyhoura Lodge in its development plan as a protected structure and the idea was dropped; the respondent solicitor is a corrupt solicitor; John and Eithne Murtagh and family were subjected to a series of court cases by the respondent solicitor in an attempt to dispossess them of Ballyhoura Lodge; the respondent solicitor was aware that Mary Rose O'Connell had no rights to Ballyhoura Lodge and therefore should not have granted the Murtaghs a lease; the respondent solicitor misled the Law Society, the Solicitors Disciplinary Tribunal and the High Court; the respondent solicitor was responsible for the theft and fraud of Ballyhoura Lodge, and that the respondent solicitor committed perjury in affidavit evidence.

Each of the allegations made by the appellant against the respondent solicitor was rejected by the Tribunal because of absence of evidence on which the Tribunal could form a view that there is a *prima facie* case for inquiry in respect of the particular allegation.

I have carefully reviewed the file as well as the affidavits of the appellant sworn on 23rd February 2011, and the respondent solicitor, sworn on 9th March 2011. Nothing in the affidavit grounding the appeal of the appellant discloses any new material or information to corroborate the allegations he makes against the respondent solicitor.

There is no evidence before the Court that the respondent solicitor has misconducted himself in any way, therefore there is no finding of misconduct against the respondent solicitor.

I dismiss the application.