



# Falsified professional credentials

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**Target audience:** Professional training providers, Program Conveners, Heads of School, Discipline heads.

**Key issue being addressed:** The potential for unqualified individuals to misrepresent themselves as qualified in professional contexts.

**Purpose of the case:** To reduce the incidence of people falsely claiming professional credentials by instigating discussion about procedures for professional qualifications, accreditation and the possibility for cross-institutional checking.

**Materials and preparation needed to answer case:**

- Copy of relevant discipline professional entry standards
- Copy of professional admission rules
- Copy of university discipline program offerings

## The case

### *Abstract*

*A man posing as a lawyer pretends to have professional qualifications from a local law school poses as a solicitor and provides advice to a number of clients, including drafting wills, negotiating with separated spouses and their lawyers, and conducting pleas in mitigation for clients on criminal charges in the Local Court.*

### *Background*

Bernard<sup>1</sup> obtained a Bachelor of Arts before enrolling as a graduate student to do an LLB at a law school. His results in law subjects were poor over two years with a number of fails due in some cases to breaches of academic integrity. In his third year Bernard withdrew and suspended his enrolment on medical grounds to avoid failing more subjects in which he was performing poorly.

In the meantime, Bernard had been working part-time as a law clerk at a small legal firm and was able to take copies of documents from on-going files in a range of different types of legal matters. Bernard makes a photocopy of his employer's legal practicing certificate and carefully changes the details so that it displays his own name.

Using that document and other resources 'borrowed' from his employer Bernard sets up an office in a spare room at his home and starts to promote himself as a solicitor on Facebook. Posing as a solicitor and doing cases for nothing to begin with, Bernard starts to build a case load including

i) advising a friend's mother on a wills matter,

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<sup>1</sup> All characters in the case are pseudonyms

- ii) he wrote several letters, in which he signed his name as 'solicitor' for another friend in attempting to negotiate a neighborhood dispute,
- iii) he accepted a fee from a person in order to write a threatening letter, signing it as 'solicitor', to that person's former spouse in which he threatened to apply for a ADVO (domestic violence restraining order) and
- iv) he appeared in the Local Court as a 'solicitor' representing several paying clients for pleas in mitigation concerning criminal charges.

#### *The incident*

Another solicitor observed Bernard's lack of competence in the Local Court and discussed her concerns privately with the magistrate. The magistrate then asked Bernard on his next appearance in court where he had studied law and where he had been admitted to practice. In answering the court, Bernard named the law school where he had been enrolled for three years, and said that he had been admitted in the Local Court the previous year. The magistrate then asks the court officer and attending police to place Bernard in custody and he is subsequently charged with fraud.

#### **Questions for discussion**

1. How easy is it for students to obtain sufficient information from professional courses and to misrepresent themselves as qualified, competent and admitted to practice in a professional discipline?
2. Have large class numbers in professional programs destroyed the sense of professional community and allowed individuals to exploit their anonymity for personal advantage?
3. Should there be more accessible registers of professionals to help deter fraudulent misrepresentations and falsified credentials for personal gain?
4. Should professional schools publish annual graduation lists to help deter fraudulent claims of qualification?

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