

## Christopher Paul Erving (“Respondent”), a solicitor

- *Rule 2(a), (b), (c), (d), (e) and (f) of the Solicitors’ Practice Rules (“SPR”)*
- *Rules 7 and 9A of the Solicitors’ Accounts Rules (“SAR”)*
- *Principles 6.04, 12.04 and 12.05 of The Hong Kong Solicitors’ Guide to Professional Conduct (Volume 1–2nd Edition) (“Guide”)*
- *Common law offence of misconduct*

### Hearings:

3 February 2015, 25 March 2015, 1 December 2015 and 30 May 2016

### Findings:

31 August 2016

### Reasons and Order:

7 December 2016

On 31 August 2016, the Solicitors Disciplinary Tribunal found the following complaints against the Respondent proved:

#### First Complaint

Breaches of r. 2(a), (c), (d), (e) and (f) of the SPR in that he perjured himself in two affidavits sworn on 9 November 1994.

#### Second Complaint

Breaches of r. 2(a), (b), (c) and (d) of the SPR in that he agreed to act for a client (“Client”) in divorce proceedings then underway between the Client and her husband, despite previously having obtained confidential information from her husband.

#### Third Complaint

A breach of r. 2(a), (b), (c), (d) and (f) of the SPR in that he issued bankruptcy proceedings against the Client’s husband and obtained a charging order over the matrimonial home, which placed him into conflict of interest with the Client.

#### Fourth Complaint

Breaches of r. 7 of the SAR in that on four occasions money was improperly drawn from the firm’s client account.

The Respondent pleaded guilty to this Complaint.

#### Fifth Complaint

Breaches of r. 9A of the SAR in that he failed to remedy promptly, after discovery, breaches of the SAR, by replacing money improperly withdrawn from the client account.

The Respondent pleaded guilty to this Complaint.

### **Sixth Complaint**

Breaches of Principles 12.04 and 12.05 of the Guide and r. 2 of the SPR in that he did not pay or challenge promptly a fee note delivered by a Senior Counsel on 12 May 2011 and did not pay that fee note within two months.

The Respondent pleaded guilty to this Complaint.

### **Eighth Complaint**

A breach of Principle 6.04 of the Guide in that he failed to respond to enquiries from the Law Society seeking his explanation on his conduct.

The Respondent pleaded guilty to this Complaint.

### **Ninth Complaint**

A breach of Principle 6.04 of the Guide in that he failed to respond to enquiries from the Law Society seeking his explanation on his conduct and provide the accounting documents requested by the Law Society.

The Respondent pleaded guilty to this Complaint.

### **Tenth Complaint**

The common law offence of misconduct on account of all the above complaints.

The Seventh Complaint was withdrawn.

On 7 December 2016, the Tribunal ordered that:

1. the Respondent’s name be struck off the Roll of Solicitors, in light of the guilty findings under Complaints 1, 2, 3 and 10;
2. the Respondent be fined:
  - (a) HK\$40,000 in respect of Complaint 4;
  - (b) HK\$40,000 in respect of Complaint 5;
  - (c) HK\$5,000 in respect of Complaint 6;
  - (d) HK\$20,000 in respect of Complaint 8;
  - (e) HK\$20,000 in respect of Complaint 9; and
3. the costs of these proceedings, including the costs of the Law Society in its investigation, the costs of the Solicitors for the Law Society, the costs of the Clerk to the Tribunal and the reserved costs, be paid by the Respondent on an indemnity basis.

*Mr. Geoffrey Shaw (of Haley Ho & Partners), Prosecutor for the Law Society of Hong Kong*

*The Respondent acting in person*

*Mr. Patrick M. K. Hui, Clerk to the Tribunal*

*Tribunal Members:*

*Mr. Paul C. Y. Tan (Chairman)*

*Ms. Alison T.K. Wong*

*Captain Chan Ming-shun*