

IN THE BARRISTERS DISCIPLINARY TRIBUNAL

BETWEEN

THE BAR COUNCIL

Applicant

-and-

RODERICK GRAHAM MURRAY

Respondent

The following amended complaint of misconduct is laid by the Bar Council against Mr Roderick Graham Murray before the Barristers Disciplinary Tribunal:-

AMENDED PARTICULARS OF MISCONDUCT

- (A) That on 9th August 2004 when instructed as prosecuting counsel in DCCC 103 of 2004:
- (1) he failed to be in Court at the scheduled time (9:30 a.m.) for the commencement of the day's proceedings, thereby failing to use his best endeavours always to be punctual;

(Contrary to the provisions of paragraph 70 of the Code of Conduct of the Bar of the Hong Kong Special Administrative Region ("Code"))

(2) having arrived in the Court at approximately 10:10 a.m., he thereafter at various times until approximately 4:30 p.m.:

(a) notwithstanding requests by the presiding Judge to the contrary, repeatedly interrupted the proceedings by way of inappropriate comments, laughter, gestures and hand clapping;

(b) wore sunglasses without reasonable or proper excuse during the course of the proceedings,

thereby failing to act with due courtesy to the Court before which he was appearing.

(Contrary to the provisions of paragraphs 6(c) and 133 of the Code)

(3) he appeared in Court at approximately 4 p.m. that day, having consumed alcohol to such an extent as to significantly impair his ability properly to discharge his professional duties as counsel, thereby failing to act with due courtesy to the Court before which he was appearing, and breaching his duties, (i) not to engage in conduct which may bring the profession of barrister into disrepute; and (ii) to uphold the dignity and high standards of a barrister and his own standing as a member of it.

(Contrary to the provisions of paragraphs 133, 4 and 6(b) of the Code)

(B) That on or about 10th August 2004, near the ferry terminal at Discovery Bay:

(4) he represented to a newspaper reporter that he had had a sexual relationship with the said presiding Judge, which representation was untrue, thereby breaching his duties (i) not to engage in conduct which may bring the profession of barrister into disrepute; and (ii) to uphold

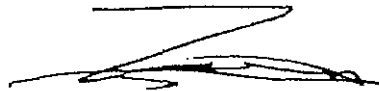
the dignity and high standards of barrister and his own standing as a member of it.

(Contrary to the provisions of paragraphs 4 and 6(b) of the Code)

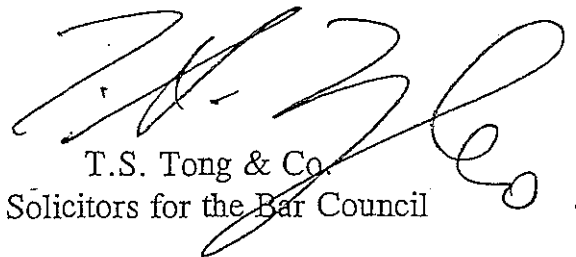
Dated this 26th day of April 2005.



Mr Peter Duncan, S.C.
Leading Counsel for the Bar Council



Mr Jonathan Kwan
Counsel for the Bar Council



T.S. Tong & Co.
Solicitors for the Bar Council

IN THE BARRISTERS DISCIPLINARY TRIBUNAL

BETWEEN

THE BAR COUNCIL

Applicant

and

RODERICK GRAHAM MURRAY

Respondent

AMENDED COMPLAINT

Dated this 26th day of April 2005.

T. S. TONG & CO.
SOLICITORS FOR THE APPLICANT
8/F, WING LUNG BANK BUILDING
45 DES VOEUX ROAD CENTRAL
HONG KONG
(TEL: 2522 8147)
(FAX: 2810 0950)

REF: IC-ITK/M48348/TWT/2004