

Mark Alexander Pierrepont (“Respondent”), formerly the sole proprietor of Messrs. Pierrepont Law Office (a closed firm) (“Firm”)

- *Rule 5B(1) and (2) of the Solicitors’ Practice Rules (“SPR”)*
- *Rules 7, 10(1), 10(3), 10A, 11(1) and (2) of the Solicitors’ Accounts Rules (“SAR”)*

Hearing Date

23 May 2016 and 3 November 2016

Findings and Order

1 December 2016

Reasons and Orders

23 March 2017

Orders

31 May 2017

On 1 December 2016, the Solicitors Disciplinary Tribunal found the following complaints (save for Complaint 3) against the Respondent proved :

Complaint 1

Breach of r. 7 of the SAR in that money was drawn from the Firm’s client account which exceeded the total of the money held for the time being in such account.

Complaint 2

Breach of r. 10(1) of the SAR in that the Respondent failed to keep properly written up books and accounts of the Firm for the period from 1 April 2011 to 21 November 2012. The Respondent admitted this Complaint.

Complaint 3

The Applicant withdrew this Complaint.

Complaint 4

Breach of r. 10(3) of the SAR in that the Respondent failed to record in a separate cash book and ledger all dealings of the Firm relating to his practice as a solicitor other than those referred to in r. 10(1)(a) of the SAR before the end of the month following the month in which the dealings were carried out. The Respondent admitted this Complaint.

Complaint 5

Breach of r. 10A of the SAR in that the Respondent failed to prepare monthly bank reconciliation statements and monthly client ledger reconciliation statements from 1 April 2011 to 14 June 2012 (or within such shorter period or periods between these two dates) in accordance with the said r. 10A. The Respondent admitted this Complaint.

Complaint 6

Breaches of r. 5B(1) and (2) of the SPR and r. 11(1) and (2) of the SAR in that the Respondent, on divers occasions between 2 February 2012 and 23 November 2012, failed to produce the books and accounts of the Firm at such time and place as were fixed by the Council for the inspection of the Monitoring Accountants of the Law Society. The Respondent admitted this Complaint.

The Respondent lodged with the Court of Appeal a Notice of Appeal on 22 December 2016 against the Tribunal’s Order regarding Complaint 1.

On 23 March 2017, the Tribunal handed down the Reasons and Orders by which the Respondent was ordered to be:

1. fined HK\$10,000 in respect of Complaint 1;
2. fined HK\$20,000 in respect of Complaint 2;
3. fined HK\$5,000 in respect of Complaint 4;
4. fined HK\$5,000 in respect of Complaint 5;
5. fined HK\$5,000 in respect of Complaint 6; and
6. 6. censured.

Further the Tribunal directed the Applicant to deliver submissions on the order to be made with respect to costs within 21 days of the service of the Reasons and Orders and the Respondent to serve submissions in response within 14 days thereafter.

The Respondent lodged with the Court of Appeal his Request for Dismissal of Appeal by Consent on 31 May 2017 and was granted an order in terms on 1 June 2017.

On 31 May 2017, the Tribunal ordered the Respondent :

1. to pay the agreed costs by monthly instalments, the first instalment to be paid within one month from the date of the Order and thereafter on or before the last day of each month; and
2. to pay the fines by monthly instalments of HK\$5,000 each, the first instalment to be paid on 30 June 2017 and thereafter on or before the last day of each month.

Mr. Stephen W.K. Lau, Prosecutor, for the Applicant

Mr. Andrew Hart, for the Respondent

Mr. Patrick M K Hui, Clerk to the Tribunal

Tribunal Members:

Mr. Charles William Allen (Chairman)

Ms. Kelly Yuen Hang Wong

Prof. Paul Kay Sheung Chan