

Table 2.1. *Themes in poor lawyering*

Case, incident, exam question or research report		Themes of the ethical danger zone
Offering bribes by a unit		
In the PRC, the crime of ‘offering bribes by a unit’ refers to someone who offers bribes to seek illegitimate benefits, or who, in violation of state regulations, gives government officials kickbacks or services.		Personal greed
The Henan Province Lawyers’ Association cancelled Liu Xianyang’s membership in 2018 because he committed the crime of ‘offering bribes by a unit’. Liu was the legal counsel of a real estate company in Anyang City, Henan Province. Liu bribed the former deputy director of Anyang intermediate people’s court, who was handling a loan dispute case for the real estate company. The bribery involved RMB 2.06 million for unjust enrichment. Liu was sentenced to 2 years’ imprisonment.		
On 28 September 2018, the Department of Justice of Henan Province imposed an administrative penalty on Liu by revoking his lawyer’s practice certificate.		

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<p>And on 9 October 2018, the Henan Lawyers' Association confirmed the disciplinary action and cancelled Liu's membership.</p>	
Offering bribes to a judge	
Case 1	
<p>On 30 March 2020, the Lawyers Association of Huanggang City, Hubei Province suspended Zhang Yang's membership rights for 9 months because he had bribed the judge. Zhang gave RMB 20,000 (in cash) to the judge for his help in a case. The Association stated that Zhang truthfully confessed the bribery, cooperated with the Association during the investigation process and was remorseful.</p>	<p>Lack of legal expertise, laziness and greed</p>
Case 2	
<p>On 6 April 2012, Tsai-Teng-wang was disbarred by the Taiwan Attorneys' Disciplinary Committee because he had bribed a judge. Tsai was the lawyer of Yeh, who was caught gambling and using heroin. Tsai told Yeh that the judge-in-charge of the case was his ex-coworker. On 9 February 1995, the judge solicited bribes from Tsai. Yeh and Tsai decided to give the judge 1 million TW\$. Tsai was sentenced to 34 months' imprisonment in 2003 for bribery. The judge was sentenced to 11 years' imprisonment.^a</p>	
Case 3	
<p>Tien was the Taiwan attorney of his client Tu Yi-wen. On 13 July 1992, Tien told Tu that he needed to give 200,000 TW\$ to the judge in order to win the case. Tien received the money but did not pay the judge. Tu reached a settlement with the plaintiff and the court approved it. After the hearing, Tu was drunk and accidentally mentioned that Tien had bribed the judge. The judge heard about this and started to investigate Tien. Tien was sentenced to 2 years' imprisonment.</p>	

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On 10 October 2010, Tien Tzai-chuan was disbarred by the Taiwan Attorney Disciplinary Committee because he had solicited bribes. ^b	
Receiving bribes	
Yuan Xiwu, a Shandong Province Wenxin law firm lawyer, received a public reprimand from the Weifang City Lawyers Association on 21 October 2019.	No understanding of personal integrity
Yuan was handling disputes over a real estate transaction between Tian, Zhang, Gong and Zhu. Yuan alleged that the judge had asked for money and he therefore asked his clients for the same.	False belief that the judge was giving him permission to attempt to bribe others
Yuan was reprimanded for violating Article 28 of the disciplinary rules (provisional) of the All-China Lawyers' Association. ^c	
Accepting instructions privately and receiving fees in a private capacity	
On 1 August 2018, the Guangdong Provincial Department of Justice reported to the Beijing Municipal Bureau of Justice that Da Weihuan, an employed lawyer of Beijing Yuanjia law firm, was suspected of illegal practice. According to the investigation conducted by the Beijing Lawyers' Association, and while an employee of the law firm, Da was also de facto an employee receiving a monthly salary from a legal services company.	Failure to respect his law firm's right to receive his full attention
Additionally, Da provided legal services for four other persons privately. On 20 June 2019, the Beijing Lawyers' Association suspended Da's membership for 6 months.	Greed
Charging clients without permission	
On 16 April 2020, The Lawyers' Association of Huizhou City, Guangdong Province, suspended the membership rights of Luo Liming for 4 months, after Luo charged clients illegally.	Incompetence, deception of clients
According to the investigation by the Association, Luo received money from his clients using his private	

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bank account. He also failed to pay filing fees to the court on time and caused the case to be treated as withdrawn by the court.	
Failure to properly witness documents	
On 16 July 2019, the Lawyers' Association of Foshan City, Guangdong Province, publicly reprimanded Huang Wanmin, formerly of Guangdong Juyinghua law firm.	Incompetence Failure to properly issue an Invoice
According to the Association's investigation, Huang witnessed the signing of powers of attorney by five clients in 2017 and 2018. She also issued witness certificates and signed all the five certificates with the official seal of Guangdong Juyinghua law firm. However, Huang only signed a written retainer with one of the clients and did not issue any invoice to them. Moreover, Huang negligently failed to identify forged signatures in the powers of attorneys.	
Charging contingency fees	
On 21 April 2020, the Beijing Lawyers' Association publicly reprimanded Beijing Ross law firm.	Receiving a contingency fee in a criminal case
Beijing Ross acted for a client in a criminal case on a contingency fee basis and did not issue an invoice for the proper fee in a timely manner. The firm failed to handle the case properly and also tried to avoid investigation.	
The law firm lawyer handling the case, Wang Zhiqiang, had his membership of Beijing Lawyers Association suspended for 3 months owing to his failure to fulfil his duties. The complaint said that Wang failed to exercise due diligence and received an unauthorized payment while acting for a criminal defendant. The Ministry of Justice was also recommended to impose corresponding penalties.	
Engaging in legal services as a 'non-lawyer'	
On 12 August 2019, the Chongqing City Lawyers' Association publicly reprimanded Chongqing	Failure to respect the public right to be

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<p>Qianwei law firm for facilitating the illegal practice of staff who did not hold a lawyers' practising certificate.</p> <p>The Association received a complaint that the law firm employed a person who had not obtained a practice certificate, to serve as the person-in-charge of the law firm and to provide legal services in the capacity of a lawyer.</p>	represented by a trained and ethical lawyer	
Forgery and falsification of documents		
Case 1		
<p>Between 2008 and 2015, Chang Chih-kang acted in several criminal, civil and administrative law cases. Chang failed to submit important legal documents to the court on time. So he decided to falsify documents such as court summonses and other notices.</p> <p>On 12 April 2019, Chang was sanctioned with a 2-year suspension by the Taiwan Attorney Disciplinary Committee, and separately sentenced to 3 years' imprisonment for falsification of a document.^d</p>	Deceit, instead of honesty	
Case 2		
<p>In 2011, a City University of Hong Kong JD student falsified her transcript to successfully enrol in the PCLL programme at the University of Hong Kong. Without completing the PCLL programme, she then secured employment with a law firm as a trainee solicitor by using a forged PCLL certificate in 2015.</p> <p>Later on, the Law Society of Hong Kong found out that the student had not passed the PCLL programme, and she surrendered to police after being fired by the firm.</p> <p>The student was convicted of two charges of using false instruments, two charges of theft and one charge of falsifying a statutory declaration, and was sentenced to 9 months' imprisonment in 2018.^e</p>		

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Subornation of perjury	
<p>Lawyer Chuo Pin-Jieh was the advocate for a scammer named Wu in 2016. Chuo gave confidential information to Wu's associate Lyu, in order to help him fabricate false testimony to the court.</p> <p>Chuo felt remorse for his behaviour, but on 17 April 2020, he was suspended for 6 months for subornation of perjury, and also sentenced to 7 months' imprisonment with 3 years' probation.^f</p>	<p>Breach of confidentiality</p> <p>Duty not to mislead the court</p>
Abuse of process	
<p>In 2013, the defence advocate in a Hong Kong indecent assault case was accused of stalling a trial deliberately in order to earn more fees. The trial took 19 days and lasted for nearly four months. A similar trial would normally only take one or two days in normal practice.</p> <p>It was alleged that he wasted the Court's time by questioning witnesses unnecessarily. Also, he claimed he would not be available to continue the defence on the date at which the Magistrate proposed to adjourn, because he would be on vacation outside Hong Kong – when he had not yet confirmed and paid for an airline ticket.</p> <p>Apart from the abuse of process, the Tribunal also found the other four complaints substantiated: insulting and/or annoying a witness, misleading the Court, failure to defend his client competently and engaging in conduct during the trial that was discourteous to the Court.</p> <p>In 2019, the Hong Kong Barristers' Disciplinary Tribunal suspended the barrister from practising as a barrister for 3 years.^g</p>	<p>Greed</p>
Theft/Obtaining client's property by deception	
<p>On 3 July 2012, a Hong Kong solicitor stole HK\$ 24,000 from his client. Tong also deceived his client by saying they needed to pay the HK</p>	<p>Greed</p>

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<p>Immigration department HK\$ 3,000. The solicitor was sentenced to 4.5 months' imprisonment with 1-year probation in 2014.</p> <p>In 2015, the solicitor was then convicted of three charges of theft. He charged his clients HK\$ 40,000 in fees, but he refused to refund this sum after his client's legal aid application was approved. He was sentenced to serve a community service order for 160 hours.</p> <p>Finally, in 2018, the HK Solicitors' Disciplinary Tribunal decided to strike the solicitor's name from the Roll of Solicitors.^h</p>	
Embezzlement	
<p>A Hong Kong solicitor was convicted on one count of using false instruments and three counts of theft.</p> <p>He embezzled over HK\$ 2 million when she dealt with mortgage loan and compensation claims cases between 2003 and 2008. He was sentenced to 45 months' imprisonment in 2011.</p> <p>The HK Solicitors' Disciplinary Tribunal decided the conduct of the solicitor was 'unbefitting of a solicitor' and in 2012 decided to strike his name from the Roll of Solicitors.ⁱ</p>	Greed
<p>^a See https://gazette.nat.gov.tw/egFront/detail.do?metaid=53231&log=detailLog</p> <p>^b See https://gazette.nat.gov.tw/egFront/detail.do?metaid=42327&log=detailLog</p> <p>^c See www.chinalawtranslate.com/en/lawyers-association-disciplinary-rules-provisional-comment-draft/</p> <p>^d See https://gazette.nat.gov.tw/egFront/detail.do?metaid=107438&log=detailLog</p> <p>^e See DCCC 380/2018 / [2018] HKDC 1274; www.hk01.com.</p> <p>^f See www.twba.org.tw/Manage/magz/UploadFile/6214_123-124-108%E5%B9%B4%E5%BA%A637%E8%99%9F-%E5%8D%93%E5%93%81%E4%BB%8B.pdf.</p> <p>^g See www.hkba.org/sites/default/files/15074_Statement%20of%20Findings_2019-4-3.pdf; www.hkba.org/sites/default/files/Reasons%20for%20Sentence%2020190718.pdf.</p> <p>^h See www.hk-lawyer.org/content/tong-yee-chun-%E2%80%9CRespondent%E2%80%9D.</p> <p>ⁱ See www.hk-lawyer.org/content/yen-hau-ming-anna-respondent.</p>	