

Arun Kumar Nigam (the “Respondent”), a partner of Arun Nigam Associates (the “Firm”)

- *Rule 4 of the Solicitors’ Practice Rules (the “SPR”)*
- *Principles 2.07 and 4.15 of The Hong Kong Solicitors’ Guide to Professional Conduct, Vol. 1, 2nd Edition (the “Guide”)*

Hearing Date

11 July 2016

Findings and Order

22 July 2016

On 11 July 2016, the Solicitors Disciplinary Tribunal found the following complaints against the Respondent proved on his own admissions:

First Complaint

Breach of r. 4 of the SPR and Principle 4.15 of the Guide in that the Respondent, during the period between 31 October and 31 December 2011, agreed to share and did share profit costs in the total sum of HK\$28,902.70 of the Firm with an employee who was employed by the Firm as a legal assistant and at all material times not a practising solicitor.

Second Complaint

Breach of r. 4 of the SPR and Principle 4.15 of the Guide in that the Respondent, during the period between 31 March and 30 November 2011, agreed to share and did share profit costs in the total sum of HK\$11,456.49 of the Firm with an employee who was employed by the Firm as a registered foreign lawyer and at all material times not a practising solicitor.

Third Complaint

Breach of r. 4 of the SPR and Principle 4.15 of the Guide in that the Respondent, during the period between 31 March and 28 July 2011, agreed to share and did share profit costs in the total sum of HK\$22,344.20 of the Firm with an employee who was employed by the Firm as a registered foreign lawyer and a legal assistant and was at all material times not a practising solicitor.

Fourth Complaint

Breach of r. 4 of the SPR and Principles 2.07 and 4.15 of the Guide in that the Respondent, during the period between 31 August and 30 November 2011, agreed to share and did share profit costs in the total sum of HK\$34,265.60 of the Firm with an employee who at all material times was not a practising solicitor. The Respondent was the only shareholder and director of a limited company (the “Company”), a service company which employed the employee to work for the Firm as a legal assistant (part-time) and later on as a registered foreign lawyer.

Fifth Complaint

Breach of r. 4 of the SPR and Principles 2.07 and 4.15 of the Guide in that the Respondent, during the period between 30 April and

31 August 2010, agreed to share and did share profit costs in the total sum of HK\$9,616.25 of the Firm with an employee who at all material times was not a practising solicitor. The Respondent was the only shareholder and director of the Company, a service company which employed the employee to work for the Firm as a legal assistant.

Sixth Complaint

Breach of r. 4 of the SPR and Principles 2.07 and 4.15 of the Guide in that the Respondent, during the period between 26 February and

9 August 2010, agreed to share and did share profit costs in the total sum of HK\$17,620 of the Firm with an employee who at all material times was not a practising solicitor. The Respondent was the only shareholder and director of the Company, a service company which employed the employee to work for the Firm as a legal assistant.

And upon hearing the mitigation factors submitted by the Respondent in writing and orally and the submissions of the Prosecutor, the Tribunal made the following orders:

- a) in respect of the First to Sixth Complaints, the Respondent be fined HK\$12,000;
- b) the Respondent to pay all costs of and incidental to the present proceedings, including the costs of the Prosecutor and the Tribunal Clerk and the costs of the Law Society's prior investigation and enquiries, such costs to be taxed if not agreed on a party and party basis; and
- c) the Respondent to have liberty to apply for payment of costs by instalments.

Mr. Alex Lai Ting Hong of Deacons for the Applicant, The Law Society of Hong Kong

Mr. James McGowan, Counsel for the Respondent instructed by Arun Nigam Associates, solicitors for the Respondent

Mr. Iu Ting Kwok, Clerk to the Tribunal

Tribunal Members:

Mr. Chan Kin Sang, Peter (Chairman) Mr. Lau Tze Ming, Johnny

Ms. Ma Kwai Yee