



DISCIPLINE CASE *DIGEST*

Case 12-11

Member:	Abraham Anhang
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	September 21, 1964
Nature of Hearing	Reinstatement Application
Date of Hearing:	September 10, 2012
Panel:	<ul style="list-style-type: none">▪ Donald R. Knight, Q.C. (Chair)▪ Lindy Choy▪ Lorne Gibson (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Tony Kavanagh for The Law Society of Manitoba▪ Dave G. Hill for the Member
Disposition:	Application Denied

Reinstatement Application

Facts

Mr. Anhang was disbarred in 2002 for misappropriating of client funds. He prepared and executed a scheme to overcharge his clients and misappropriate and convert money which he was holding in trust on behalf of two clients to himself. When asked by one of his clients for clarification, he deliberately misled the client. Mr. Anhang applied for reinstatement pursuant to Law Society Rule 5-102(1) and undertook that if reinstated he would never apply for a practicing certificate.

Decision and Comments

The Panel of the Discipline Committee considered the appropriate test for reinstatement where the applicant undertakes not to apply for a practicing certificate. The Panel determined that in light of Mr. Anhang's undertaking, certain elements in the reinstatement test from *Watt v The Law Society of Upper Canada*, 2004 ONLSHP 003 were inapplicable. The Panel considered whether a person applying for reinstatement should be able to demonstrate that they are trustworthy, honest, reliable, and that their conduct has been unimpeachable over the period of time since their disbarment. In considering the application, the Panel took into account factors such as the reasons for the reinstatement request, the period of time that had passed, evidence about whether the applicant had purged his guilt and had genuine remorse for his conduct, and the perception of the public if the application were to be granted. The Panel determined that the main consideration was the maintenance of public confidence in the profession.

Mr. Anhang's reinstatement application was denied. The Panel did not find a valid reason for Mr. Anhang's reinstatement application. They determined that he was attempting to justify past actions and that he had not accepted responsibility for his conduct. In all of the circumstances,

the Panel was of the view that the public would not condone reinstatement. The Panel also determined that Mr. Anhang lacked insight into the gravity of his offences and did not demonstrate genuine remorse.