



DISCIPLINE CASE *DIGEST*

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Case 01-07

ABRAHAM ANHANG
Winnipeg, Manitoba

Called to the Bar
September 21, 1964

Particulars of Charge
Professional Misconduct (2 counts)

- failure to discharge duties with integrity
- failure to treat opposing counsel and the court with candour, good faith and integrity

Date of Hearing
November 28 and 29, 2001,
February 13, 2002

Panel
R. K. Deeley, Q.C. (Chair)
C. W. Martin
Dr. C. Wright

Disposition

- Fine of \$10,000.00
- Costs of \$25,000.00

Counsel
R. B. McNicol, Q.C., for The Law Society of Manitoba
D. G. Hill, for the member

Failure to Act With Integrity

Facts

In late 1993, Mr. Anhang was contacted by a securities salesman in Hong Kong who had sold units of partnership to 43 immigrant investors in a project sponsored by Employment and Immigration Canada under the Immigrant Investor Program. Each investor paid the sum of \$150,000.00 for a unit in the limited partnership and was entitled as a result of that investment to receive a Canadian visa. The project did not proceed as a result of a freeze imposed by the Province of Manitoba. The investors wished to recover their initial investment, which was being held in escrow as the limited partnership agreement never closed. Mr. Anhang met with several of the investors in the project and thereafter attempted to solicit retainers from each of the investors.

By December, 1995, Mr. Anhang had received authorizations permitting him to represent 11 of the 43 investors. On December 22, 1995, Mr. Anhang filed a statement of claim in the Queen's Bench, Winnipeg Centre, on behalf of all 43 investors when, in fact, he did not have any retainer, instructions or authority from 32 of the 43 plaintiffs named in that statement of claim. Shortly thereafter, Mr. Anhang's authority to represent all 43 plaintiffs was questioned by counsel for the escrow agent that held each investor's deposit. In response, Mr. Anhang presented opposing counsel and the court with an affidavit sworn by him on January 19, 1996 in connection with the lawsuit, which affidavit falsely asserted his retainer by all 43 plaintiffs when, in fact, he had a retainer from only 11 of the plaintiffs.

Decision and Comments

Mr. Anhang initially entered a plea of not guilty to each of the counts against him. After two days of hearing, Mr. Anhang entered a plea of guilty to two counts and the Committee found him guilty of professional misconduct. The Committee accepted the joint recommendation of counsel for the Law Society and counsel for Mr. Anhang and in doing so noted that they were especially concerned about Mr. Anhang's lack of integrity in swearing and relying upon a false affidavit.

Penalty

The Committee ordered that Mr. Anhang pay fines of \$5,000.00 in respect to each of the counts admitted by him, which fines were to be paid forthwith, but in any event, within 7 days of the date of the hearing.

The Committee also ordered that Mr. Anhang pay costs of \$25,000.00 to the Society as a contribution to the costs of the investigation and hearing of this matter, which costs were to be paid in full within 45 days of the date of the hearing.

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