

Wrongful conversion of trust funds

CHIN-HUNG BETTY HO

Vancouver, B.C.

Called to the Bar: August 28, 1992

Resigned membership: December 31, 1995

Between 1994 and 1995, while working as an associate in a law firm, Ms. Ho wrongfully converted to her own use a total of \$5,500. Of these funds, Ms. Ho received \$4,500 in cash from various clients for payment of fees and disbursements and \$1,000 as retainer funds by cheque payable to her. Ms. Ho should have given all these funds to her law firm on receiving them.

In four of these instances, Ms. Ho prepared wills for clients and, having received cash payments from them, took for her own use the sums of \$350, \$185, \$250 and \$150. When one of the clients asked another lawyer in the firm for a receipt in September 1995, the lawyer questioned Ms. Ho, and she confessed to having taken the money. She subsequently repaid the amounts taken, rendered proper accounts to the clients and resigned from the firm.

In one instance in the same time period, Ms. Ho received from a client a \$1,000 cheque payable to Ms. Ho as a retainer. She issued a receipt, but not a receipt from the firm. Ms. Ho cashed the cheque and used the retainer funds for her own purposes rather than placing them in the trust account of the law firm. Ms. Ho later repaid this money.

In four other instances, admitted by Mr. Ho in March, 1996, she rendered accounts to clients, had the clients pay her directly (\$395.52 and \$413.71 on two real property files and the sums of \$1,800 and \$1,200 on two matrimonial files). Apart from \$200 paid for disbursements, Ms. Ho used this money for her own purposes.

In March, 1996 Ms. Ho gave the law firm a cheque for \$1,800 and in May, 1996 gave the Law Society a cheque for \$1,800, payable to the law firm.

The lawyer who had discovered Ms. Ho's wrongful conversion reported these incidents to the Law Society in December, 1995. On December 19 the chair of the Discipline Committee authorized a citation against Ms. Ho and, on December 21, a panel of three Benchers suspended her, pending hearing of the citation.

Ms. Ho did not renew her membership for 1996.

On May 9, 1996, under Rule 468, the Discipline Committee accepted Ms. Ho's admission of wrongful conversion and her undertakings:

1. not to apply for reinstatement in the Law Society of B.C. for two years;

2. not to apply for membership in any other law society without first advising the Law Society of B.C.;
3. not to permit her name to appear on the letterhead of any lawyer or law firm without the written consent of the Law Society of B.C.; and
4. to obtain written consent from the Law Society of B.C. before working for any other lawyer or law firm in B.C.

The Committee instructed the Secretary to endorse the admission on Ms. Ho's professional conduct record.

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