

[TRIANTAFYLIDIS, P., STAVRINIDES, L. LOIZOU, HADJIANASTASSIOU,
A. LOIZOU, MALACHTOS, JJ.]

1972
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IN RE
X. Z. AN
ADVOCATE

IN THE MATTER OF SECTION 17 (5) OF THE ADVOCATES
LAW (CAP. 2),

and

IN THE MATTER OF X. Z. AN ADVOCATE.

(Case No. 1/72).

Advocates—Conduct and etiquette—Advocate making false statement to the police in the course of investigations regarding a criminal offence—Disciplinary Board—Advocates Law, Cap. 2 (as amended), section 16—Monetary punishment imposed by the Board increased by the Supreme Court, on review of Board's decision on its own motion under section 17 (5) of the said Law—Mitigating factors—Duty of advocates both in and outside the Courts.

Increasing the monetary punishment imposed by the Disciplinary Board on the advocate for making a false statement to the police, the Supreme Court, on review of the Board's decision on its own motion under section 17 (5) of the Advocates Law, Cap. 2 (as amended) :—

Held, (1). The fine of £50 imposed by the Board must be increased to £200 payable within one month from today.

(2) The conduct of advocates in Court, as well as outside the Courts, should always be governed by honesty, straightforwardness and a sense of justice (see also in re C.D., an advocate (1969) 1 C.L.R. 376).

The full facts of this case appear in the judgment of the Court.

Order accordingly.

Cases referred to :

In re C.D. an advocate (1969) 1 C.L.R. 376.

Review proceedings.

Review proceedings before the Supreme Court initiated of its own motion, under section 17 (5) of the Advocates

Law, Cap. 2 (as amended), for the review of the decision of the Disciplinary Board, established under section 12 of the Law, whereby a disciplinary sanction of a fine of £50 was imposed on the respondent advocate for unprofessional conduct contrary to rule 23 of the Advocates (Practice and Etiquette) Rules, 1966.

A. Pouyouros, as *amicus curiae*, at the request of the Court.

L. Clerides, on behalf of the Attorney-General of the Republic as Chairman of the Disciplinary Board.

E. Vrahimi (Mrs.), for the respondent advocate.

The judgment of the Court was delivered by :—

TRIANAFYLIDIS, P. : In these proceedings, initiated by this Court of its own motion in exercise of the powers vested in it by section 17 (5) of the Advocates Law, Cap. 2, we are reviewing the punishment which the Disciplinary Board, established under section 16 of Cap. 2, imposed on the respondent advocate for making a false statement to the police, in the course of investigations regarding a criminal offence ; the statement being that a cheque had been taken from him unlawfully, by force ; whereas in fact it was given by him in respect of a gambling debt.

The punishment imposed by the Board, on the 9th September, 1971, was £50 fine, payable within two months.

We agree with the view taken by the Disciplinary Board that this was a very serious case and that advocates, as officers of the Court, have an elementary duty to help police investigations and not to hamper them by false statements ; and we also agree with the Board that the conduct of advocates in Court, as well as outside the Courts, should always be governed by honesty, straightforwardness and a sense of justice (see, also, *In re C.D. an advocate* (1969) 1 C.L.R. 376).

As was stated by the Board, which is composed of colleagues of the respondent, under the chairmanship of the Attorney-General of the Republic, the conduct of the respondent was, indeed, lamentable. We have, however, borne in mind that he may have acted as he did in a desperate effort to conceal the fact that he had been gambling and without any deliberate intention to cause harm to others ; confused as he was, he apparently did not duly appreciate the

extremely serious consequences for other people which his action might have had. We have, also, taken into account a mitigating factor which seems to have mainly weighed with the Board in favour of taking a lenient course *viz.* the respondent's lack of experience in the profession due to his having had only a short period of practice.

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We, none the less, are of the view that the conduct of the respondent could not have been dealt with so leniently, as it was treated by the Board, even if extreme leniency were to be shown. Having anxiously deliberated over the matter of the proper punishment to be imposed, it is, with quite some difficulty, that we have decided not to suspend for a period of time the respondent from practising as an advocate, but only to increase the monetary punishment ; we order the respondent to pay, by way of a fine, £200, payable within one month from today.

Order accordingly.