

PARAGRAPHS [6], [7], [8], [9], [10], [11], [25], [28] HAVE BEEN REDACTED.
PARAGRAPHS [12], [15], [23], [29], [42] AND ORDER NUMBER 7 HAVE BEEN
PARTIALLY REDACTED FROM THIS PUBLISHABLE VERSION.

**NEW ZEALAND LAWYERS AND
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2018] NZLCDT 18

LCDT 015/17

UNDER

The Lawyers and Conveyancers
Act 2006

BETWEEN

**NATIONAL STANDARDS
COMMITTEE**

Applicant

AND

YIPU SHI
Practitioner

CHAIR

Judge D F Clarkson

MEMBERS

Mr C Lucas

Mr K Raureti

Ms C Rowe

Ms S Sage

HEARING 16 April 2018

HELD AT Specialist Courts and Tribunals Centre, Auckland

DATE OF DECISION 8 May 2018

COUNSEL

Ms P K Feltham for the Standards Committee

Mr A Sorrell for the Practitioner

RESERVED DECISION OF TRIBUNAL ON PENALTY

Introduction

[1] Ms Shi has admitted two charges of misconduct.¹ These relate to her conduct in acting for both parties in two conveyancing transactions.

[2] Not only did she act where a conflict of interest existed, but she falsely certified documents necessary for the transfer by stating she had witnessed both of the vendors' signatures (Mr X and Ms J), when she had not witnessed the complainant's signature. In fact Ms Shi was not even aware the complainant, Mr X, was out of New Zealand at the time.²

[3] When Mr X returned to New Zealand, having agreed with Ms J to end the marriage the situation became apparent to him and Ms Shi discovered she had been duped by Ms J and her "business partner", Mr Y, who was also the purchaser of the two properties. Ms Shi is a young woman who had only been admitted to practice in 2012. Her conveyancing experience was relatively limited and she had no supervision nor proper mentoring from her employers. She joined the firm of Richard Zhao Lawyers Ltd, Amicus Law, at the end of 2014. Ms Shi attempted to leave the firm in mid-2016 but Mr Zhao had been or was about to be suspended and Ms Shi says that he and Mr Deliu told her the firm and its 16 employees would not continue unless she became a principal and took over the responsibility for running it.

[4] Ms Shi felt sufficiently guilty and concerned to remain and agree to the arrangement, despite that placing her under significant pressure, well beyond her experience or ability to cope.

[5] The events surrounding her misconduct however, happened before this in March 2016. However Ms Shi's actions subsequent to her misconduct are explained by her sense of oppression and intimidation in her workplace.

¹ Section 7(1)(a)(i) or (ii) and subject to the Tribunal's ruling on the appropriateness of filing a further charge under s 7(1)(a)(i). The charges are attached as Schedule 1.

² The agreed statement of facts is attached as Schedule 2.

Background

[6] [redacted].

[7] [redacted].

[8] [redacted].

[9] [redacted].

[10] [redacted].

[11] [redacted].

Preliminary Issue of Further Charge

[12] Shortly before the hearing, counsel for the Standards Committee sought to add an additional charge against Ms Shi in the following terms:

“The National Standards Committee of the New Zealand Law Society (“the Standards Committee”) charges Yipu Shi (“the practitioner”), of Auckland, pursuant to s 241(a) of the Lawyers and Conveyancers Act 2006, with misconduct.

Particulars:

[redacted].

[13] Counsel for the practitioner did not object to the filing of a further charge subject to his being permitted to make the submission that it might represent duplication.

[14] Counsel for the Standards Committee referred the Tribunal to the straight definition of misconduct under s 241(a), which is contained in s 7 of the Act. Counsel relied on s 7(1)(a)(i).

[15] In other words the Standards Committee alleges that by [redacted] the practitioner’s conduct “... *would reasonably be regarded by lawyers of good standing as disgraceful or dishonourable* ...”.

[16] However, we note that very provision has been pleaded in respect of Charges 1 and 2 which have been admitted by the practitioner.

[17] For this reason, we consider that it would be improper to allow an additional charge which merely duplicated the essential elements of the charges already admitted by the practitioner.

Standards Committee Submissions

[18] The Standards Committee sought that the practitioner be struck off the Roll of Barristers and Solicitors, but that if the Tribunal considered that such would not represent the least restrictive penalty, a lengthy period of suspension should be imposed.

[19] Further, name suppression was opposed and costs were sought. No compensation was sought on behalf of the complainant who is apparently pursuing his remedies in another forum.

[20] Ms Feltham submitted that strike-off must be the starting point in a case such as this which involves admitted dishonesty. She pointed us to the principles to be considered including the overall fitness to practise of the practitioner, risks of reoffending and the need to maintain the public confidence in the reputation and standards of the legal profession. Ms Feltham accepted that the *Daniels*³ decision meant that if the Tribunal considered that the purposes of penalty could be properly met short of strike-off then a lesser penalty ought to be imposed.

[21] Ms Feltham pointed to the seriousness of the offending which involved dishonesty by false certification of a signature which she had not witnessed as well as acting where there was a clear conflict of interest. She also pointed out the high loss that had been sustained by the complainant.

[22] It was not suggested that the dishonest scheme was knowingly perpetrated by Ms Shi but rather that it was as a result of her naivety and lack of attention to warning signals. For example, the fact that the client sought to make a direct settlement which

³ *Daniels v Complaints Committee 2 of the Wellington District Law Society* [2011] 3 NZLR 850 (HC).

did not occur in the normal manner through a solicitor's trust account ought to have put her on notice about the relationship of the parties and their intentions.

[23] Furthermore, her involvement of a colleague in having the transaction registered was submitted to be an aggravating feature. [redacted].

[24] The Standards Committee also accepted that "the difficult and challenging workplace" circumstances could be taken into account in favour of the practitioner, although this was somewhat modified by the fact that she had remained at the firm while noting inappropriate practices.

[25] [redacted].

[26] Finally, Ms Feltham did not consider that, were suspension to be imposed, there ought to be backdating of the suspension. Despite Ms Shi's evidence that she had been unable to obtain employment because of the extensive undertaking she had provided to the Standards Committee, Ms Feltham submitted that an inability to obtain employment was different from stepping aside from practice altogether.

Submissions for the Practitioner

[27] On behalf of Ms Shi, Mr Sorrell accepted at the outset that her misconduct was serious and involved dishonesty. He also accepted the Standards Committee submissions on the principles of penalty and disciplinary proceedings. Mr Sorrell's submissions were directed to the balancing exercise to be carried out by the Tribunal to impose the least restrictive outcome whilst ensuring protection of the public. In that regard Mr Sorrell submitted that context and the work environment in which this young woman had fallen into error were important.

[28] [redacted].

[29] In terms of mitigation Mr Sorrell pointed out that once she received independent legal advice, Ms Shi admitted her wrongdoing and cooperated in [redacted]. In addition she resigned from the firm where her misdeeds had occurred and has suffered significant financial consequences as a result of her inability to practise subsequently. [redacted].

[30] There was no element of personal gain in this matter and the practitioner has expressed her remorse and apologised to the complainant.

[31] Further factors are her relative youth and inexperience. She was in her 20s when these events occurred and was under significant influence by older members of the firm. There was little in the way of mentoring, supervision or proper training for this young practitioner.

[32] The humiliation of the consequences for her has been significant and, she submits culturally a significant factor.

[33] Finally, Mr Sorrell referred the Tribunal to a number of cases where false certification of documents had been dealt with at Standards Committee level by way of a finding of unsatisfactory conduct. This was in stark contrast with the order sought in this matter to have her struck from the Roll.

[34] Whilst acknowledging that the Tribunal is not bound by Standards Committee findings, counsel did point to the inconsistency apparently involved in dealing with such matters.

Discussion

[35] The purpose of penalty and disciplinary proceedings are now well known. They are not primarily punitive in nature although frequently consequences will also be punitive. The purposes are to protect the public and uphold the reputation and standards of the legal profession. An assessment of penalty begins with the seriousness of the offending.⁴

[36] Following that, aggravating and mitigating features need to be taken into account. An overall assessment of the fitness of the practitioner may well involve the manner in which the practitioner has conducted him or herself in the course of the proceedings (*Hart*⁵):

“[187] In cases involving lesser forms of misconduct, the manner in which the practitioner has responded to the charges may also be a significant factor. Willingness to participate fully in the investigative process, and to acknowledge

⁴ *Hart v Auckland Standards Committee 1 of NZLS* [2013] 3 NZLR 103.

⁵ See note 4 at [187].

error or wrongdoing where it has been established, may demonstrate insight by the practitioner into the causes and effects of the wrongdoing. This, coupled with acceptance of responsibility for the misconduct, may indicate that a lesser penalty than striking off is sufficient to protect the public in the future.”

[37] Finally, a review of similar cases can assist the Tribunal in fixing penalty although it is always acknowledged that context is highly relevant and cases must be assessed on an individual basis.

[38] We accept Ms Feltham’s submission that the starting point for serious offending involving dishonesty must be strike-off. This is clear from the well-quoted dicta in *Bolton*.⁶ In discussing the purposes of removal of a practitioner from practise in the task of protecting the public and preventing reoffending the Court had this to say:

“In most cases the order of the tribunal will be primarily directed to one or other or both of two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension; plainly it is hoped that experience of suspension will make the offender meticulous in his future compliance with the required standards. The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off. The second purpose is the most fundamental of all; to maintain the reputation of the solicitors’ profession as one in which every member, of whatever standing, may be trusted to the ends of the earth.”

[39] We have determined however that given the mitigating features in this matter and given the youth and inexperience of the practitioner, a penalty short of strike-off can properly be imposed together with other protective orders.

[40] Whilst we accept that personal mitigating factors may carry less weight in the disciplinary context because of the public protective aspect, we consider that this particular young woman who has now faced up to her responsibilities and has learnt a very hard lesson ought to be given another opportunity to practise.

[41] We also consider that the period since she gave the undertaking to the Standards Committee in June of 2017 ought to be part of the significant period of suspension which we propose to impose. She has been unable to practise as a lawyer since that time and we consider that fact ought to be recognised.

⁶ *Bolton v Law Society* [1994] 2 All ER 492.

[42] Because of the seriousness of the offending we consider that a suspension of 15 months is a proportionate response. There is little dispute between the parties as to the mitigating and aggravating features in this matter. [redacted].

[43] As for the protection of the public we consider that the period of further reflection and perhaps education for the practitioner, which will be imposed by the remaining period of suspension (as well as an order prohibiting her from practising on her own account), will provide sufficient protection.

Costs

[44] In relation to costs we do take account of the significant financial consequences already imposed on this practitioner and her degree of cooperation with the Standards Committee. In these particular circumstances, we consider a contribution to costs of the Standards Committee of 50% will be adequate to reflect fairness to her as well as to her profession as a whole. She will however be responsible also for reimbursing 100% of the Tribunal costs to the New Zealand Law Society.

Orders

1. We decline to accept an additional charge.
2. The practitioner is suspended for 15 months commencing 7 June 2017.
3. Costs of \$8,743.88 are awarded to the Standards Committee.
4. Section 257 costs are certified at \$4,549.00 and are ordered to be paid by the New Zealand Law Society.
5. The practitioner is to refund 100% of the s 257 costs to the New Zealand Law Society.
6. There will be an order pursuant to s 242(1)(g) prohibiting Ms Shi from practising on her own account until authorised by the Disciplinary Tribunal.

7. There will be an order suppressing the names of the complainant and the clients in this matter and any reference [redacted], but in all other respects the matter can be reported, including the practitioner's name.

DATED at AUCKLAND this 8th day of May 2018

Judge D F Clarkson
Chair

Charges

The National Standards Committee of the New Zealand Law Society (“the Standards Committee”) charges Yipu Shi (“the practitioner”), of Auckland, with 2 disciplinary offences as follows:

Charge 1: the Victoria Street Property

That the practitioner, whilst acting for Ms J and Mr X, committed a disciplinary offence under s 241 of the Lawyers and Conveyancers Act 2006 (“the Act”), as particularised below, which constituted:

- (a) Misconduct pursuant to s 241(a) of the Act in that it was conduct that:
 - (i) would reasonably be regarded by lawyers of good standing as disgraceful or dishonourable: s 7(1)(a)(i) of the Act; and/or
 - (ii) consisted of a wilful or reckless contravention of the Act and/or practice rules or regulations made under the Act: s 7(1)(a)(ii) of the Act;or in the alternative
- (b) Unsatisfactory conduct that is not so gross, wilful, or reckless as to amount to misconduct pursuant to s 241(b) of the Act;
or in the alternative
- (c) Negligence or incompetence in her professional capacity, and the negligence or incompetence has been of such a degree as to reflect on her fitness to practise or as to bring her profession into disrepute pursuant to s 241(c) of the Act.

Charge 2: the Eden Crescent Property

That the practitioner, whilst acting for Ms J and Mr X, committed a disciplinary offence under s 241 of the Lawyers and Conveyancers Act 2006 (“the Act”), as particularised below, which constituted:

- (d) Misconduct pursuant to s 241(a) of the Act in that it was conduct that:
 - (i) would reasonably be regarded by lawyers of good standing as disgraceful or dishonourable: s 7(1)(a)(i) of the Act; and/or
 - (ii) consisted of a wilful or reckless contravention of the Act and/or practice rules or regulations made under the Act: s 7(1)(a)(ii) of the Act;

- (e) Unsatisfactory conduct that is not so gross, wilful, or reckless as to amount to misconduct pursuant to s 241(b) of the Act;

Or in the alternative

- (f) Negligence or incompetence in her professional capacity, and the negligence or incompetence has been of such a degree as to reflect on her fitness to practise or as to bring her profession into disrepute pursuant to s 241(c) of the Act.

The particulars of the charges are (facts and matters relied upon):

1. At all material times, the practitioner held a practising certificate as a barrister and solicitor issued under the Act.
2. At all material times, the practitioner acted as a solicitor for Ms J and Mr X (“Mr X”).
3. At all material times, the practitioner was a solicitor at the incorporated law firm Richard Zhao Lawyers Ltd, trading as Amicus Law.
4. Ms J and Mr X were married in 2003.
5. Ms J and Mr X jointly owned various properties in New Zealand, including:
 - (a) Victoria Street, Auckland (“the Victoria Street Property”); and
 - (b) Eden Crescent, Auckland (“the Eden Crescent Property”).
6. Between 28 November 2015 and 29 March 2016 Mr X was in Hong Kong.
7. On 21 March 2016, while Mr X was in Hong Kong, Ms J asked him for a marriage separation and he agreed.
8. On 30 March 2016 Mr X returned to New Zealand.

The Victoria Street Property

9. On 3 March 2016 the practitioner signed a private client authority and instruction form that authorised Richard Zhao Lawyers Ltd to effect an electronic transaction in respect of the Victoria Street Property. The purported signature of Mr X and signature of Ms J appeared on the document.
10. In signing the form the practitioner certified the following:
 - (a) She had witnessed the clients sign the form.
 - (b) She had sighted the clients’ original forms of identity, which were said to be passports.

11. The practitioner failed to identify a base document that gave her authority to act.
12. On 7 March 2016 at 3.30 pm the practitioner lodged a transfer instrument with Land Information New Zealand in respect of the Victoria Street Property.
13. The transferors were Mr X and Ms J. The practitioner signed as their representative.
14. The practitioner certified on the document that:
 - (a) She had the authority to act for the Transferor;
 - (b) She had taken reasonable steps to confirm the identity of the person that gave her authority to lodge the instrument; and
 - (c) She held evidence showing the truth of the certifications she had given.
15. The transferee was Mr Y ("Mr Y"). The practitioner also signed as the transferee's representative.
16. The proceeds of the sale were paid directly from Mr Y to Ms J, thereby passing the trust account of Richard Zhao Lawyers Ltd.

The Eden Crescent Property

17. On an unknown date the practitioner signed a private client authority and instruction form that authorised Richard Zhao Lawyers Ltd to effect an electronic transaction in respect of the Eden Crescent Property. The purported signature of Mr X and signature of Ms J appeared on the document.
18. On 11 April 2016 at 6.15 pm Mr M (another lawyer) lodged a transfer instrument with Land Information New Zealand in respect of the Eden Crescent Property.
19. At that time Mr M was a solicitor at Richard Zhao Lawyers Ltd.
20. The transferors were Mr X and Ms J. Mr M signed as their representative.
21. The transferee was Ms J. Mr M also signed as her representative.
22. On 11 April 2016 at approximately 6.00 pm Mr M was asked by the practitioner to sign, certify and submit the electronic transaction, which she said had concluded earlier in the day, on her behalf.
23. Mr M observed that there was a private client authority and instruction form:
 - (a) Authorising Richard Zhao Lawyers Ltd to effect an electronic transaction in respect of the Eden Crescent Property on the file; and

- (b) That was signed by both Mr X and Ms J and witnessed by the practitioner, but was undated.
- 24. Before submitting the documents, Mr M asked the practitioner why the base document was not stated on the authority and instruction form. The practitioner informed Mr M the clients were her personal friends and assured him that the file was complete and ready to be submitted.
- 25. The date on the private client authority and instruction form referred to at paragraphs 17 and 23 above was subsequently completed by the practitioner as if it had been signed and witnessed on 27 April 2016.
- 26. In signing the form the practitioner certified the following:
 - (a) She had witnessed the clients sign the form; and
 - (b) She had sighted the clients' original forms of identity, which for Mr X was said to be a passport.
- 27. On 11 April 2016 at 6.15 pm Mr M lodged notification with Land Information New Zealand that the mortgage on the Eden Crescent Property had been discharged.
- 28. On 23 January 2017 the practitioner confirmed in writing that the authority and instruction form was undated as at 11 April 2016 and that the date was later entered as 27 April 2016.

Mr X's position

- 29. Mr X discovered these transactions upon his return to New Zealand and denies:
 - (a) Having signed any of the relevant documentation; and
 - (b) Having attended the law firm Richard Zhao Lawyers Ltd on either 3 March 2016 or 27 April 2016.
- 30. Mr X asserts that as a result of the practitioner's conduct he has suffered the following losses:
 - (a) In respect of the Victoria Street Property, at least \$138,000, this being his half share of the market value of the property as at the date of sale; and
 - (b) In respect of the Eden Crescent Property, at least \$150,500, this being his half share of the market value of the property as at the date of sale.

Therefore the practitioner committed Charge 1 referred to above, as follows:

- 31. The practitioner failed to discharge her professional obligations as follows:

- (a) The Standards Committee refers to paragraphs 13 and 15 above. In acting for both Ms J and Mr X as transferors and Mr Y as transferee of the Victoria Street Property, without obtaining the prior informed consent of Mr X, advising him of the conflict of interest, or advising him to obtain independent legal advice, the practitioner breached rule 6.1 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (“Rules”).
 - (b) The Standards Committee refers to paragraph 16 above. In not facilitating the transfer of the settlement funds, via Richard Zhao Lawyers Ltd’s trust account, from Mr Y to the joint credit of the transferors (Mr X and Ms J), the practitioner breached rules 6 and 6.1 of the Rules and s 110 of the Act.
 - (c) The Standards Committee refers to paragraphs 11 to 12 and 14 above. In acting on the authority of the authority and instruction form for the transfer of the Victoria Street Property without a base document and in entering the authority and instruction form on the electronic system without recording a base document, the practitioner breached rule 2.5 of the Rules by later certifying that she had authority to act on the transactions.
32. The practitioner’s failure to discharge the above obligations amounted, either individually or cumulatively, to misconduct under s 241(a) of the Act and/or unsatisfactory conduct under s 241(b) of the Act and/or negligence or incompetence under s 241(c) of the Act.

Therefore the practitioner committed Charge 2 referred to above, as follows:

33. The practitioner failed to discharge her professional obligations as follows:
- (a) The Standards Committee refers to paragraphs 19 and 20 above. In acting for both Ms J and Mr X as transferors and Ms J as transferee of the Eden Crescent Property, without obtaining the prior informed consent of Mr X, advising him of the conflict of interest or advising him to obtain independent legal advice, the practitioner breached rule 6.1 of the Rules.
 - (b) The Standards Committee refers to paragraphs 21 to 23 above. In acting on the authority of the authority and instruction form for the transfer of the Eden Crescent Property without a base document and in entering the authority and instruction form on the electronic system without recording a base document, the practitioner breached rule 2.5 of the Rules by later instructing Mr M to lodge the certificate and certify that he had authority to act on the transactions.
34. The practitioner’s failure to discharge the above obligations amounted, either individually or cumulatively, to misconduct under s 241(a) of the Act and/or unsatisfactory conduct under s 241(b) of the Act and/or negligence or incompetence under s 241(c) of the Act.

Agreed Statement of Facts

Professional background

1. Yipu Shi (**Ms Shi**) was admitted as a barrister and solicitor of the High Court of New Zealand on 31 August 2012.
2. Ms Shi practiced in Auckland. After a section 30 interview, she became a Director of the firm Richard Zhao Lawyers Ltd, trading as Amicus Law, on 19 August 2016.

Background

3. Ms Shi acted as the solicitor for Ms J and Mr X, a married couple residing in Auckland.
4. Ms J and Mr X jointly owned various properties in New Zealand, including:
 - (a) Victoria Street, Auckland (**the Victoria Street Property**); and
 - (b) Eden Crescent, Auckland (**the Eden Crescent Property**).
5. Between 28 November 2015 and 29 March 2016 Mr X was in Hong Kong. On 21 March 2016, while Mr X was in Hong Kong, Ms J and Mr X agreed to a marriage separation. On 30 March 2016 Mr X returned to New Zealand.

The Victoria Street Property

6. On 3 March 2016, while Mr X was in Hong Kong, Ms Shi signed a private client Authority and Instruction form that authorised Richard Zhao Lawyers Ltd to effect an electronic transaction in respect of the Victoria Street Property.
7. When Ms Shi signed the document she falsely certified:
 - (a) that she had witnessed Mr X sign the form; and
 - (b) that she had sighted Mr X's original forms of identity, which were said to be passports.
8. Ms Shi failed to identify on the Authority and Instruction form a base document that gave her authority to act.
9. On 7 March 2016 at 3.30 pm Ms Shi lodged a transfer instrument with Land Information New Zealand in respect of the Victoria Street Property. The transferors were Mr X and Ms J, and Ms Shi signed as their representative.
10. Ms Shi falsely certified on the document that:

- (a) she had authority to act for the Transferor;
- (b) she had taken reasonable steps to confirm the identity of the person that gave her authority to lodge the instrument; and
- (c) she held evidence showing the truth of the certifications she had given.

- 11. The transferee was Mr Y. Ms Shi also signed as Mr Y's representative.
- 12. The proceeds of the sale were paid directly from Mr Y to Ms J, not via the trust account of Richard Zhao Lawyers Ltd.

The Eden Crescent Property

- 13. On an unknown date Ms Shi signed a private client Authority and Instruction form that authorised Richard Zhao Lawyers Ltd to effect an electronic transaction in respect of the Eden Crescent Property. The transferors were Mr X and Ms J, and the transferee was Ms J.
- 14. On 11 April 2016 at approximately 6.00 pm, Ms Shi asked Mr M, a solicitor at Richard Zhao Lawyers Ltd, to sign, certify and submit the electronic transaction on her behalf. She told him the transaction had concluded earlier in the day.
- 15. Mr M observed there was a private client Authority and Instruction form authorising Richard Zhao Lawyers Ltd to effect an electronic transaction in respect of the Eden Crescent Property on the file that was signed by Mr X and Ms J and witnessed by Ms Shi, but that was undated.
- 16. Mr M asked Ms Shi why the base document was not stated on the Authority and Instruction form. Ms Shi informed Mr M the clients were her personal friends and assured him that the file was complete and ready to be submitted.
- 17. Mr M lodged the transfer instrument with Land Information New Zealand at 6.15 pm on 11 April 2016. At that time, Mr M lodged notification with Land Information New Zealand that the mortgage on the Eden Crescent Property had been discharged.
- 18. Ms Shi subsequently completed the Authority and Instruction form as if it had been signed and witnessed on 27 April 2016.
- 19. In signing the form Ms Shi falsely certified:
 - (a) she had witnessed the clients sign the form; and
 - (b) she had sighted the clients' original forms of identity, which for Mr X was said to be a passport.
- 20. On 23 January 2017 Ms Shi confirmed in writing that the Authority and Instruction form was undated as at 11 April 2016 and that the date was later entered as 27 April 2016.

21. Mr X did not receive any money from the transfer.
22. Mr X discovered these transactions upon his return to New Zealand.

Charge 1

23. Ms Shi admits that she failed to discharge her professional obligations as follows:
 - (a) In acting for both Ms J and Mr X as transferors and Mr Y as transferee of the Victoria Street Property, without obtaining the prior informed consent of Mr X, advising him of the conflict of interest, or advising him to obtain independent legal advice, Ms Shi breached rule 6.1 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (“Rules”).
 - (b) In acting on the authority of the Authority and Instruction form for the transfer of the Victoria Street property without a base document and in entering the Authority and Instruction form on the electronic system without recording a base document, Ms Shi breached rule 2.5 of the Rules by later certifying that she had authority to act on the transactions
 24. Ms Shi admits her failure to discharge these obligations amounted, either cumulatively or individually, to misconduct under s 241(a) of the Lawyers and Conveyancers Act 2006.
 25. Ms Shi admits that she failed to discharge her professional obligations as follows:
 - (a) In acting for both Ms J and Mr X as transferors and Ms J as transferee of the Eden Crescent Property, without obtaining the prior informed consent of Mr X, advising him of the conflict of interest or advising him to obtain independent legal advice, Ms Shi breached rule 6.1 of the Rules.
 - (b) In acting on the Authority and Instruction form for the transfer of the Eden Crescent Property without a base document and in entering the Authority and Instruction form on the electronic system without recording a base document, Ms Shi breached rule 2.5 of the Rules by later instructing Mr M to lodge a certificate and certify that he had authority to act on the transactions.
 26. Ms Shi admits that her failure to discharge these obligations amounted, either individually or cumulatively, to misconduct under s 241(a) of the Lawyers and Conveyancers Act.
- [Redacted]
27. [Redacted].
 28. Prior to these events Ms Shi had no disciplinary history with the New Zealand Law Society. Ms Shi has disclosed that she is the subject of several unresolved complaints.