

BACKUP

First Person

Since arriving in Hong Kong as a young solicitor in 1978, **Jonathan Midgley** has represented defendants in some of the city's most high-profile and notorious legal cases. His clients have included the late Chinachem billionaireess Nina Wang, and her alleged lover, feng shui master Tony Chan. He talks to Sarah Fung about his problems with publicity and why he disagrees with the term "criminal."



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When I came out here I was lucky. I joined Warwick Haldane [founder of Haldanes Solicitors and Notaries]—he was doing exclusively criminal work—and within two weeks I was involved in a case. The allegation was that a Mrs. Wong was running a prostitution racket, and the defense was that no, far from it, they were film starlets.

So the first job that Warwick Haldane offered me was: Would I mind very much spending the next two, three weeks interviewing these girls that were in their early twenties and looking particularly delectable? So my starting point was a fairly easy one.

I had a picture on the front page of [now-defunct Hong Kong tabloid] "The Star" walking into court. Warwick Haldane was carrying the bags 100 yards behind. I don't think he ever forgave me!

The next big break was 1981, or thereabouts. It was the first big commercial crime case in Hong Kong, and it involved a man called Amos Dawe. It was huge—followed by the media around the world. I ran that case, and he was acquitted, and that really started my career in earnest.

It gave me a profile that I previously didn't have, for which I was very grateful.

There's an old saying that all publicity is good publicity. I don't mind, and I accept, as part of the job, a certain degree of publicity.

I think I'd have liked to have been an actor actually. Or a singer.

I did a bit of a film once [in the 1997 film "Chinese Box"]. It was with Jeremy Irons and Gong Li. I wasn't an extra—I had a few lines!

Courtroom lawyers have that. It's a little like going on stage. You have an audience of nine as a jury or one as a judge, and you're playing to that audience. It's not much of an extension.

The last two or three years I've been involved in cases that have received more publicity than I would personally have wanted, and it became a bit intrusive in my life.

The Tony Chan case, I think, was extraordinarily over-reported, and so much of it was so awfully inaccurate that it became a bit embarrassing. Some of it was staggeringly far-fetched, trivial and biased.

I know everyone is interested in the Nina Wang saga. To people that ask what she was like, the best two words to describe her are interesting and unusual.

It was a very sad saga, and continues to be so.

[Upon being asked if representing feng shui master Tony Chan in the bid for Wang's fortune presented a conflict] No, no not at all. It's a natural extension. In fact, Brian Gilchrist [partner at Clifford Chance], who I worked

with on Nina's case, became my counterpart plaintiff in the civil case. So we both acted for Nina, and upon her death I worked for one party and he worked for the other.

I fell into criminal law because it seemed to me the only law that was real law in my eyes. Personality-wise, I prefer to talk than write. I prefer to go to court and speak.

Up until three or four years ago, I would have always told a young person that the law is a great career. It engendered respect—at least in Hong Kong. But it's moved, and I am no longer as enamored of law as a career.

I think there are a number of reasons for that. One is that I do think that there is far less respect for lawyers. I just don't think it's as enjoyable as it used to be.

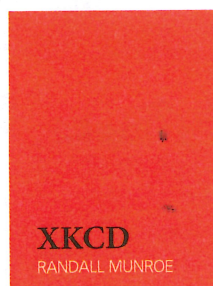
When I'm on holiday, I'll fish little bugs out of the pool as I can't stand to see them in trouble. So if you extrapolate that, I like to assist people in trouble.

I think that's why I can't prosecute. I've only prosecuted once in 33 years—I just wanted to see what it felt like. The person was convicted and I felt awful about it. I'm instinctively on the side of the individual rather than the state.

Obviously your instincts are colored to some extent—in the end you don't judge whether they're guilty or not guilty. But if you have a strong feeling that they're probably bad underneath everything, then it's rather less charming to be involved in helping them.

I don't like the epithet "criminal" much, really. Are they criminal? No. They're all sorts of things, but there's just one aspect of their life where they have committed a crime.

Apparently, all humans tell about four lies a day. Most people commit crime. That doesn't make them bad people. It means that we all err. We make errors of judgment, so I'm quite slow to judge as a result of the work I do.



FUN FACT:
STORES HAVE A COMPETITION TO SEE
WHO CAN SPREAD YOUR ITEMS ACROSS
THE MOST PLASTIC SHOPPING BAGS.

