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22. LEGAL PROFESSION

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I. Introduction

22.1 This is the seventh year that this author has undertaken the task of evaluating decisions of the Singapore courts relating to the legal profession. Unlike in some previous years, this author has found it challenging to categorise the 2025 cases evaluated into a small number of discrete categories. This year's chapter is therefore broadly structured as follows:

(a) First, this review covers a number of cases that consider the overall disciplinary framework and avenues for parties dissatisfied with outcomes.[2]

(b) The review then considers the first (but sadly not the last) reported decision involving a lawyer citing an artificial intelligence ("AI")-generated fictitious authority in submissions.[3]

(c) The review then turns to a solicitor's duty of independence in a situation where he acted for multiple different parties against the same defendant who had previously lodged a professional complaint against him.[4]

(d) Next, the review examines more conventional (but regrettable) cases involving solicitors' dishonesty[5] and other misconduct not involving dishonesty.[6]

(e) Still within the rubric of duties, the review considers whether legal professional privilege is a right that is personal

1 The author wishes to thank Nicky Koh for his assistance. All errors and omissions remain this author's own. This chapter sets out the various courts' observations and findings. This author's views are limited to those set out in the various concluding paragraphs; they are this author's alone and do not reflect those of the organisations to which he belongs.
2 See paras 22.2–22.63 below.
3 See paras 22.64–22.73 below.
4 See paras 22.74–22.83 below.
5 See paras 22.84–22.96 below.
6 See paras 22.97–22.104 below.

to an individual, or whether it can be waived by an appointed receiver and manager.[7]

(f) The review then considers whether the taxation of a bill of costs can be stayed on the basis of an arbitration clause.[8]

(g) Having considered the entire life cycle of a client engagement, the review finally turns to cases relating to admissions to the Singapore Bar – as an advocate and solicitor of the Supreme Court of Singapore, as well as an *ad hoc* admitted foreign senior counsel.[9]

II. Disciplinary framework and recourses available to dissatisfied party

22.2 Complaints against lawyers are sequentially dealt with by a review committee ("RC"), followed by an inquiry committee ("IC"), and then a disciplinary tribunal ("DT"), assuming the matter is not disposed of at any of the earlier stages. In 2025, there were four decisions in which various parties sought to overturn – before the General Division of the High Court ("General Division") and the Court of Appeal – disciplinary decisions made at each of these levels, with varying degrees of success.

A. Lun Yaodong Clarence v Law Society of Singapore

22.3 In *Lun Yaodong Clarence v Law Society of Singapore*,[10] Andre Maniam J dismissed the applicant's application for permission to seek judicial review of a decision by an RC. The court held that the applicant had failed to disclose an arguable and *prima facie* case of reasonable suspicion in favour of the court making the desired orders via a judicial review.[11]

22.4 The applicant, Lun Yaodong Clarence ("Mr Lun"), was subject to disciplinary proceedings, and engaged Mark Seah ("Mr Seah") from Dentons Rodyk & Davidson LLP ("Dentons") to act for him.[12] The

7 See paras 22.105–22.110 below.
8 See paras 22.111–22.124 below.
9 See paras 22.125–22.144 below.
10 [2025] SGHC 137.
11 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [110].
12 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [6].

Court of 3 Judges ("C3J") eventually imposed on him a suspension of 18 months.[13]

22.5 Following the C3J's decision, billing disputes arose.[14] Mr Lun filed a complaint, alleging that Mr Seah had overcharged him, fraudulently concealed the basis on which Mr Seah had intended to charge, was grossly negligent, and/or lacked skill.[15]

22.6 The RC found that the complaint was "lacking in substance" and ought to be dismissed.[16] Mr Lun thereafter applied for permission to seek judicial review on the grounds of irrationality and procedural impropriety.[17]

22.7 First, Mr Lun contended that the RC's decision-making process was irrationally incomplete because it disregarded entire heads of complaint and only dealt with the two heads of complaint in the complaint.[18]

22.8 The court disagreed.[19] First, the RC functioned as a "sifting mechanism"[20] to weed out frivolous complaints.[21] It was not the RC's function to go beyond the heads of complaint presented.[22] Second, although the new heads of complaint were derived from the complaint, Mr Lun accepted that the RC had dealt with the whole of the complaint.[23] Third, Mr Lun's criticism that the RC report did not address each of the new heads of complaint was not a recognised ground for review.[24] Fourth, Mr Lun could not fault the RC for dealing with his heads of complaint in the way that Mr Lun himself had specified them in the complaint.[25]

22.9 Second, Mr Lun failed in his attempt to rely on illegality as a ground for judicial review.[26] The court held that an applicant wishing

13 *Law Society of Singapore v Lun Yaodong Clarence* [2023] 4 SLR 638 at [97]. See also Khelvin Xu, "Legal Profession" (2022) 23 SAL Ann Rev 640 at paras 22.27–22.45.
14 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [10].
15 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [11].
16 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [11].
17 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [31].
18 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [19].
19 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [20].
20 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [21].
21 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [21].
22 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [21].
23 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [22].
24 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [23].
25 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [28].
26 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [32]–[33].

to rely on both illegality and irrationality should set out both grounds in his statement filed pursuant to O 24 r 5(3)(*a*) of the Rules of Court 2021,[27] but Mr Lun had failed to do so. Further, even if Mr Lun had been allowed to rely on illegality as a third ground for judicial review, it would have been futile.[28]

22.10 The court then turned to Mr Lun's case on irrationality. Mr Lun's first head of complaint, that Mr Seah was grossly negligent and/or wanting of skill in his legal representation, was dismissed by the RC. Mr Lun argued that the RC's decision to dismiss this head of complaint was irrational,[29] that the RC mischaracterised his complaint by asserting he was focused on the disappointing outcome of the C3J's decision, and that his complaint was factually sound regarding Mr Seah's conduct.[30]

22.11 The court found no basis for the conclusion that the RC ignored Mr Lun's factual allegations.[31] In the context of Mr Seah's response and the contemporaneous documents, the criticisms were insufficient to show that it was irrational for the RC to decide that this head of complaint was lacking in substance.[32] It was also not irrational for the RC to conclude that the mere fact that this was Mr Seah's first case representing a lawyer in disciplinary proceedings did not mean he lacked the skill for such representation.[33] The court also disagreed with Mr Lun's allegation that the RC had accepted Mr Seah's account of events without any scrutiny.[34]

22.12 Mr Lun's second head of complaint was that Mr Seah was guilty of gross overcharging and/or fraudulent concealment of the basis on which professional fees were charged. Mr Lun argued that the RC's decision to dismiss this complaint was irrational.[35] The court disagreed and held that the RC did not have to consider the new heads of complaint,[36] had not misunderstood Mr Lun's complaint to be only about "overcharging simpliciter",[37] and that it was not irrational for the RC to conclude that Mr Lun's allegations of fraudulent concealment were lacking in substance.[38] Neither was it irrational for the RC to conclude that the complaint of overcharging – in relation to bills for which taxation

27 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [34].
28 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [37].
29 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [41].
30 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [43].
31 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [46].
32 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [46]–[64].
33 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [66]–[71].
34 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [72]–[73].
35 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [74].
36 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [76].
37 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [78].
38 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [79]–[80].

was pending – was lacking in substance, since Mr Lun should have had the bills taxed first.[39] The court also disagreed with Mr Lun that there had been a flawed assessment of this head of complaint,[40] or that the RC had uncritically accepted Mr Seah's account of events without subjecting it to scrutiny.[41]

22.13 Finally, the court turned to Mr Lun's assertion that there was procedural impropriety because the RC failed to ensure that Mr Lun had received notice of the RC's queries, and that the RC had then relied on Mr Lun's failure to respond.[42]

22.14 However, the RC had sent queries to the e-mail address that Mr Lun had used to correspond with the Law Society of Singapore ("LSS") and no non-delivery or error message was received.[43] In any event, the RC was entitled to decide based on the materials before it, and was not under any obligation to "call for oral or documentary evidence".[44] The RC was under no obligation to ensure that its queries reached Mr Lun, and this did not change just because the e-mail containing the RC's queries was sent out but not responded to.[45] Neither was the RC obliged to send Mr Seah's response to Mr Lun for his comment.[46] There was no procedural impropriety.[47]

22.15 The court therefore concluded that Mr Lun had failed to disclose an arguable and *prima facie* case of reasonable suspicion in favour of judicial review, and dismissed the application with costs.[48]

B. Sunil Kishinchand Bhojwani v Law Society of Singapore

22.16 This review now turns to another case in which the applicant, in contrast, successfully overturned an IC's dismissal of a complaint. In *Sunil Kishinchand Bhojwani v Law Society of Singapore*,[49] Valerie Thean J directed the LSS to apply to the Chief Justice to appoint a DT for a formal investigation into a complaint.[50]

39 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [81]–[89].
40 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [94]–[96].
41 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [97]–[99].
42 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [100].
43 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [102].
44 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [103].
45 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [103].
46 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [104].
47 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [109].
48 *Lun Yaodong Clarence v Law Society of Singapore* [2025] SGHC 137 at [110]–[111].
49 [2026] 3 SLR 691.
50 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [2]–[3].

22.17 The respondent represented the claimant in a suit against, among other parties, the claimant's mother.[51] During the trial, while the respondent's client was still on the witness stand, the respondent asked for and was given permission to speak with his client to take instructions on a possible settlement.[52] The next day, the respondent's client gave evidence which suggested that when she had met with the respondent the previous night, she might have discussed her evidence with him even though she was still on the witness stand and when she was not supposed to.[53]

22.18 The applicant lodged a complaint with the LSS. The RC eventually referred one of the heads of complaint to an IC.[54] The complaint comprised two aspects:[55]

(a) that the respondent had discussed his client's evidence during the meeting while she was still on the witness stand ("First Limb"); and

(b) that the respondent had allowed his client and his client's son to discuss her evidence while she was still on the witness stand, and before evidence was to be given by his client's son ("Second Limb").

22.19 The respondent's response to the complaint was that he did not advise his client on her evidence at the meeting, and that discussions were limited to the matters for which he had obtained leave of court to discuss with her. His written explanation included an affidavit in which he stated under oath that his client's evidence was not discussed at the meeting, and a handwritten attendance note of the meeting, which stated that the respondent had advised his client that he could not discuss her evidence.[56]

22.20 The IC then issued its report, which dealt only with the First Limb. It found the respondent's client's evidence to be unclear, and opined that the cross-examination of the respondent was inconclusive as to what had transpired at the meeting. The IC assessed the respondent to be credible and consistent in his evidence, and determined that he did not discuss his client's evidence at the meeting.[57] The IC determined unanimously that no cause of sufficient gravity existed for a formal

51 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [4].
52 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [5].
53 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [7]–[9].
54 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [10].
55 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [11].
56 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [12].
57 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [13].

investigation by a DT and that the complaint should be dismissed,[58] and the Council of the Law Society ("Council") subsequently determined that a formal investigation by a DT was unnecessary.[59]

22.21 The applicant then took out the application, which was essentially for a DT to be appointed despite the LSS's determination not to do so.

22.22 The applicant's broad contentions were that the evidence showed, *prima facie*, that the respondent had discussed his client's evidence at trial with her and her son at the meeting because:[60]

(a) The notes of evidence reflected that the respondent's client had confirmed that she asked the respondent to explain the implications of her concessions and withdrawals on the witness stand, and that the respondent had obliged.

(b) The judge made a factual finding that the respondent's client had spoken with the respondent on the implications on her concessions on the witness stand.

(c) The respondent's evidence as to what was discussed at the meeting was inconsistent and unsubstantiated.

22.23 The applicant submitted that the respondent had *prima facie* breached the Legal Professional (Professional Conduct) Rules 2015 ("PCR") by (a) discussing with his client her evidence while she was still on the witness stand (r 12(2) of the PCR); and (b) allowing his client to discuss her evidence with her son despite her son being the next witness to give evidence (rr 10(2) and 10(6) of the PCR).[61]

22.24 Before the court, and as regards the First Limb, the LSS agreed with the applicant that (a) the IC had erred in dismissing the complaint; (b) the decision to dismiss the complaint should be quashed; and (c) the IC ought to have recommended that there was a *prima facie* case of sufficient gravity to refer the complaint to a DT.[62]

22.25 However, the parties differed on the Second Limb. The applicant argued that since a *prima facie* case was made out on the facts for the First Limb, it followed that a *prima facie* case for the Second Limb was

58 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [13].
59 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [15].
60 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [19].
61 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [20].
62 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [21].

also made out, and the entire complaint therefore ought to be referred to the DT.[63]

22.26 Conversely, the LSS took the view that the more appropriate approach was for a mandatory order directing the Council to reconsider the entirety of its determination under s 87(1) of the Legal Profession Act 1966[64] ("LPA").[65] This was because the IC had yet to address and evaluate the Second Limb. As such, the Second Limb should have first been subject to peer review, but the peer review step would have been skipped if the entire complaint (including the Second Limb) were to be referred to the DT.[66]

22.27 The LSS also submitted that the First Limb (which had already undergone peer review, and which could therefore be referred to a DT) and the Second Limb (which had yet to undergo peer review, and which should therefore be referred back to the Council for reconsideration under s 87(1) of the LPA instead of directly to a DT) should not be treated in a bifurcated manner. This was because both limbs of the complaint arise from the same factual circumstances and were closely intertwined; addressing them separately would create a real risk of inconsistent findings.[67]

22.28 The court therefore considered three different approaches:

(a) to quash the Council's decision and issue a mandatory order directing the Council to reconsider the whole of its determination;

(b) to quash the Council's decision and issue a mandatory order directing the LSS to use its discretion under s 87(1)(*c*) of the LPA to apply to the Chief Justice for the appointment of a DT; or

(c) to make an order under s 96(4)(*b*) of the LPA, directing the LSS to apply to the Chief Justice for the appointment of a DT.[68]

22.29 The court then went on to consider the legal context, and its two-fold jurisdiction:[69]

63 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [24].
64 2020 Rev Ed.
65 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [26].
66 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [26]–[27].
67 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [27].
68 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [28].
69 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [34].

(a) its supervisory jurisdiction to look at the legality and not the merits of the decision-making process, and for which it cannot substitute its own views for that of the Council; and

(b) its appellate jurisdiction, for which it examines the substantive merits of the Council's and/or IC's decision.

22.30 As to the orders that the court could make, the court held that it had the power to make prerogative orders (*eg*, mandatory, prohibiting, quashing or declaratory orders), as the Court of Appeal had left the issue open in *Iskandar bin Rahmat v Law Society of Singapore*.[70]

22.31 Turning then to the IC's decision, the court held that in respect of the First Limb, there was a dispute on the facts, arising from the notes of evidence, to be resolved. The IC should not have preferred the respondent's evidence on the issue, as the IC was not empowered to resolve substantial factual disputes in its informal and inquisitorial setting, especially when the evidence disclosed sufficiently serious misconduct. Where the disputed facts could not be resolved, the IC should have recommended referring the matter to a DT which served as the proper fact-finding body under the LPA.[71] For the same reasons, the Council ought to have determined that a formal investigation of the matter by a DT be carried out under s 87(1)(*c*) of the LPA, or that the matter be referred back to the IC for reconsideration or a further report under s 87(1)(*d*) of the LPA.[72]

22.32 The question then turned to whether a referral for the Second Limb followed from a referral for the First Limb. The LSS argued that since the IC did not address the Second Limb at all, the court should make a mandatory order for the Council to reconsider the whole of its determination of the complaint under s 87(1) of the LPA, and the Council would then ask the IC to consider whether there was a *prima facie* case on the Second Limb.[73] However, the court held that the facts relating to the Second Limb were clearly set out in the complaint, and when the IC preferred the respondent's evidence that he did not discuss his client's evidence in the middle of trial, it was reasonable for the IC to not have addressed the Second Limb in its report.[74] It was not necessary

70 [2021] 1 SLR 874. See also *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [35]–[38].
71 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [41].
72 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [42].
73 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [50]–[53].
74 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [54].

to subject the Second Limb to further peer review as there was a sufficient *prima facie* basis to refer the complaint to a DT.[75]

22.33 Having held that the matter should be considered by a DT,[76] the court then went on to consider the mechanism to be used. The applicant asked for a mandatory order for the LSS to refer the matter to a DT under s 87(1)(*c*) of the LPA.[77] However, the court held that s 96 of the LPA, as a specifically enacted appeal procedure for dissatisfied complainants, should be the procedure of first resort, even though the applicant would have to incur greater costs by having conduct of the DT proceedings.[78]

22.34 The court concluded that there was a *prima facie* case of sufficient gravity to refer both the First Limb and Second Limb of the complaint to a DT. Given the unique circumstances of this case, where both the factual and legal basis of the complaint were undisputed, the court made an order under s 96(4)(*b*) of the LPA directing the Council to apply to the Chief Justice for the appointment of a DT to investigate both the First Limb and Second Limb of the complaint.[79]

22.35 Finally, the court declined to order costs against the LSS, as the court generally did not make adverse costs orders against public bodies performing a public regulatory function except in cases where the public body had demonstrated bad faith or gross dereliction.[80]

C. Rai Vijay Kumar v Law Society of Singapore

22.36 This review now turns to the first of two cases in which the applicant sought to set aside the DT's findings. In *Rai Vijay Kumar v Law Society of Singapore*,[81] Philip Jeyaretnam J dismissed an application to review and set aside the DT's findings that the applicant (who was the respondent lawyer in the original complaint) had breached the PCR by (a) writing directly to potential witnesses (various doctors) who were represented by other lawyers (r 7(3) of the PCR); and (b) taking advantage of these witnesses by making misleading statements concerning their rights and obligations (r 8(3) of the PCR).

75 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [55]–[59].
76 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [59].
77 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [60].
78 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [64]–[68].
79 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [71].
80 *Sunil Kishinchand Bhojwani v Law Society of Singapore* [2026] 3 SLR 691 at [72]–[75].
81 [2025] 5 SLR 111.

22.37 The relief sought by the applicant was for the DT's findings to be set aside, a determination that the charges on which he was convicted were not made out, and for the penalty imposed be set aside. However, the application was brought pursuant to s 97 of the LPA, pursuant to which the court could set aside the DT's orders and order a new hearing, but could not declare that the claimant was not guilty or set aside the penalty.[82]

22.38 The court then went on to consider whether the DT's decision should be set aside.[83] The three issues to be determined were:[84]

(a) whether the DT's determination was invalid because the complaints were void *ab initio* or motivated by malice;

(b) in respect of the first charge:

(i) whether it was defective for want of specificity;

(ii) whether the applicant issued the letters;

(iii) whether he knew that the parties were legally represented; and

(iv) whether the letters were issued with due authority or just cause; and

(c) in respect of the second charge, whether the applicant took unfair advantage of the recipients or acted contrary to his position as a member of an honourable profession.

(1) First issue

22.39 The first issue was whether the DT's determination was invalid because the complaints were void *ab initio* or motivated by malice.[85] The court held that the validity of the DT's determination did not depend on who or why they made the complaint. Disciplinary matters concern the matters alleged, not the motivation of the complainant.[86]

82 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [8]–[17].
83 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [18].
84 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [19].
85 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [18].
86 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [20]–[25].

(2) Second issue

(a) Whether first charge was defective for want of specificity

22.40 The charge did not specify which doctors the applicant knew were represented, and stated that he knew "some or all" of the doctors were represented.[87] However, the court held that the charge as framed made clear to the applicant the case he had to meet. The applicant knew that the LSS intended to prove that he knew that each of the seven doctors named was represented by other lawyers, and that the charge could be made out against "some or all" of those seven, depending on the evidence.[88]

(b) Whether applicant had issued the letters

22.41 The applicant argued that the letters were sent out by his associate, and that he therefore did not communicate "directly"[89] with the doctors. The court rejected this argument and held that (a) communicating "directly" meant communicating with a represented party without going through their lawyer; and (b) r 7(3) of the PCR covers the situation where an associate sends out a letter on a partner's behalf with their knowledge and approval, as indicated by the evidence in this case.[90]

(c) Whether applicant had known that parties were legally represented

22.42 Before the applicant wrote to the doctors, correspondence had been sent to him, indicating that the doctors were represented, and an adverse inference was drawn against the applicant for choosing not to testify as to whether he was aware of these correspondences.[91]

(d) Whether letters were issued were with due authority or just cause

22.43 The applicant submitted that the letters were made with due authority or just cause, namely:[92]

87 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [18].
88 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [26]–[27].
89 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [28].
90 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [28]–[35].
91 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [18] and [36]–[37].
92 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [38].

(a) an order of court requiring the claimant in the underlying action to limit the testimony of the doctors to one affidavit per witness;

(b) the Rules of Court 2021; and

(c) the subpoena sent to the doctors.

22.44 However, these did not bring the applicant under r 7(3)(*d*) of the PCR which permits direct communication where authorised by law or by the court or a tribunal.

(3) Third issue

22.45 The third issue was, in respect of the second charge, whether the applicant took unfair advantage of the recipients or acted contrary to his position as a member of an honourable profession, by making misleading statements in his letters to the doctors.[93] The letters contained:

(a) a misstatement that the applicant's firm was "required by the General Division to record [the recipient's] statement for the purposes of preparing an Affidavit of Evidence in Chief to be attested by [the recipient] in due course".[94] This was untrue as witnesses under subpoena can testify orally without providing an affidavit of evidence-in-chief.[95]

(b) a misstatement that not giving a statement for the purpose of an affidavit would "possibly lead to further inconvenience to [the recipient] as well as possible cost consequences".[96] There was no precedent for an adverse costs order against a witness under subpoena who had chosen to give evidence orally.[97]

(c) a warning that the recipient ought "not [to] discuss [his or her] evidence with anyone, including [his or her] insurers or legal advisers, if any".[98] There was a further warning that "[f]ailure to observe the above could result in severe penal consequences to [the recipient]".[99] There is no such rule of law or evidence.[100]

93 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [18] and [39].
94 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [40].
95 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [40].
96 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [40].
97 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [40].
98 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [41].
99 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [41].
100 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [41].

22.46 The court held that the misstatements appeared calculated to put pressure on the recipients to have their statements recorded by the applicant and his firm, and the applicant had therefore breached r 8(3)(*a*) of the PCR by taking unfair advantage of the recipients by misleading them about their own legal position, and r 8(3)(*b*) of the PCR as his actions were contrary to his position as a member of the legal profession.[101]

22.47 The applicant's application was therefore dismissed with costs.[102]

D. Attorney-General v Shanmugam Manohar

22.48 This review turns finally to the last case in this section, *Attorney-General v Shanmugam Manohar*[103] ("*Shanmugam Manohar*"), in which the Attorney-General ("AG") successfully appealed against the General Division's dismissal of its application for a review of a DT's determination. Prior to an analysis of the case, its convoluted procedural history is first described. In the course of investigations undertaken by the Commercial Affairs Department ("CAD"), the CAD discovered the respondent's alleged misconduct in rewarding an individual, Ng Kin Kok ("Mr Ng"), for referring clients to his firm.[104] Mr Ng was neither an employee nor a partner of the respondent's firm.

22.49 Disciplinary proceedings were brought, but the C3J eventually set aside the DT's decision that there was cause of sufficient gravity for disciplinary action under s 83 of the Legal Profession Act[105] ("LPA 2009") on the basis that the DT had incorrectly admitted certain evidence. This had a material impact on the determination of the case, as the remaining evidence was insufficient to prove the charges. The C3J directed that an application be made for the appointment of another DT ("Second DT") to hear and investigate the complaint.[106]

22.50 The Second DT was then appointed. The charges against the respondent broadly concerned (a) touting charges; and (b) the respondent's failure to communicate directly with clients.[107] The LSS intended to call Mr Ng and one of the respondent's partners, Krishnamoorthi s/o Kolanthaveloo ("Mr Krishna") as witnesses, and

101 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [42].
102 *Rai Vijay Kumar v Law Society of Singapore* [2025] 5 SLR 111 at [44].
103 [2025] 1 SLR 189.
104 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [3]–[5].
105 Cap 161, 2009 Rev Ed.
106 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [6]–[7]. See *Law Society of Singapore v Shanmugam Manohar* [2022] 3 SLR 731.
107 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [8].

obtained orders for them to attend court ("Attendance Orders").[108] However, the LSS was unable to effect personal service of the Attendance Orders on Mr Ng and Mr Krishna, and both the General Division and the Second DT declined to grant the LSS permission to serve the Attendance Orders on Mr Ng and Mr Krishna via substitute means.[109]

22.51 At the hearing of the Second DT, Mr Ng and Mr Krishna did not give evidence.[110] As regards the touting charges, it was undisputed that no relevant evidence was adduced before the Second DT, and the respondent therefore had no case to answer. As for the respondent's failure to communicate with clients, the LSS withdrew some of the charges, the respondent pleaded guilty to the remaining charges, and the Second DT found no cause of sufficient gravity for disciplinary action against the respondent under s 83 of the LPA 2009 and recommended a financial penalty of $3,000. The Council accepted the Second DT's determination as to liability.[111]

22.52 However, that was not the end of the matter. The AG then filed an application under s 97 of the LPA 2009 to set aside the Second DT's findings. The AG was of the view that the failure to investigate the AG's touting complaint amounted to an injustice contrary to the public interest in properly regulating the legal profession, and challenged the Second DT's finding regarding the touting charges and the regularity of the disciplinary proceedings (and in particular, the circumstances in which no order was made for substituted service of the Attendance Orders).[112]

22.53 The General Division dismissed the AG's application and held there was no irregularity in the Second DT proceedings.[113] The AG then appealed.[114]

22.54 The Court of Appeal first held, as a preliminary issue, that the appeal was correctly filed at the Court of Appeal (as opposed to the Appellate Division of the High Court).[115] The Court of Appeal then turned to the statutory function and role of a DT. It held that under the LPA 2009, a DT must "hear and investigate"[116] any matter referred to it

108 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [9]–[12].
109 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [12]–[21].
110 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [22].
111 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [23]–[25].
112 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [27].
113 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [30].
114 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [31].
115 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [45].
116 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [48].

and carry out "a thorough finding of fact as to whether an advocate and solicitor was guilty of misconduct" [emphasis in original omitted].[117] A DT's duty to investigate requires a proactive exercise of its case management powers. This includes facilitating the adduction of evidence where (a) evidence that is both relevant and material to the proceedings exists and is available; (b) a party intends to adduce this evidence but faces procedural difficulties in doing so; and (c) the DT has notice of both of these issues.[118]

22.55 A DT has a duty to both "hear" and "investigate", and each word must be given a separate meaning.[119] "Investigate" suggests at least a more proactive approach to managing a case,[120] but a DT does not take on an inquisitorial role.[121] It should not supplement a party's case, descend into the arena, or join in the fray, but must remain impartial and circumspect about its role in relation to the procurement and presentation of evidence. A DT does not have a duty to search and gather the necessary evidence on its own motion.[122]

22.56 A DT plays a crucial role in upholding the standards of both the legal profession and the administration of justice.[123] It must therefore carry out a thorough finding of fact, which should not be hampered by the parties' difficulties in presenting relevant evidence that will have a material bearing on its determination.[124]

22.57 Where applicable, a DT should exercise its powers to give guidance and directions to parties for the production of relevant and material evidence that a party intends to adduce.[125] Its duty to investigate is not confined to the parties' evidence; rather, the matter referred to a DT for investigation by the AG is the "information touching upon the conduct of an advocate and solicitor".[126]

22.58 In the present case, the Second DT should have exercised its procedural control over the matter and facilitated the adduction of material evidence that parties wanted to adduce but had difficulty in

117 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [48].
118 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [49].
119 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [50].
120 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [51]–[52].
121 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [53]–[57].
122 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [56].
123 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [58].
124 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [59].
125 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [60].
126 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [61].

doing so.[127] However, it had failed to discharge its statutory duty to hear and investigate the touting charges. The Second DT, knowing that the LSS intended to call Mr Ng and Mr Krishna as witnesses and of the unsuccessful attempts to serve the Attendance Orders on them, ought to have facilitated the adduction of such evidence.[128]

22.59 The Second DT's failing meant that there was no evidence at all in respect of the touting charges.[129] Mr Ng and Mr Krishna's evidence was highly material to the touting charges and they were the only witnesses with relevant evidence on the alleged payments received by Mr Ng.[130] The Second DT was also aware that the LSS's case on the touting charges rested on the evidence from Mr Ng and Mr Krishna,[131] but the LSS's attempts to adduce their evidence were hindered by procedural issues. Just three days before the hearing before the Second DT, both the Second DT and the General Division held that they did not have the power to order substituted service of the Attendance Orders, even though the LSS had gone back and forth before them.[132] Despite the Second DT's awareness of the difficulties faced by the LSS, it adopted a passive stance and proceeded with the hearing as scheduled.[133]

22.60 Ultimately, it was the General Division, and not the Second DT, that had the power to deal with the substituted service of the Attendance Orders.[134] However, after the Second DT had dismissed the applications for substituted service of the Attendance Orders, it should have exercised its case management powers and explored the need for time to be afforded to the LSS to address the substituted service applications.[135] In not doing so, "the Second DT failed to discharge its statutory duty to 'hear and investigate' the touting charges",[136] and the findings of the Second DT on the touting charges were set aside as the proceedings were irregular pursuant to s 97(4)(*a*) of the LPA 2009.

22.61 The C3J finally turned to consider whether the respondent should be (a) acquitted; or (b) required to face a fresh hearing pursuant to s 97(4)(*b*)(ii)(B) of the LPA 2009, which would take place before a third DT. The C3J weighed both the personal interest of the respondent and

127 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [62].
128 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [65].
129 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [65].
130 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [66].
131 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [67]–[68].
132 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [72].
133 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [75].
134 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [73].
135 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [76].
136 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [78].

the public interest.[137] The alleged professional misconduct was serious, and the respondent had not provided any alternative version of events in his defence, but had simply submitted that there was no case to answer in relation to the touting charges. There was therefore a strong public interest in having a fresh hearing to properly investigate the respondent's alleged misconduct.[138]

22.62 The C3J therefore set aside the Second DT's findings on the touting charges and ordered the LSS to apply to the Chief Justice for the appointment of another DT to hear and investigate the matter.[139] No costs were ordered against the LSS as it did not act in bad faith nor was it guilty of gross dereliction; it should not be made to pay costs when it was performing its regulatory functions.[140]

22.63 This author suggests some lessons that can be extracted from these series of cases:

(a) First, the multiple layers of review for disciplinary cases (RC, IC, DT and C3J) mean that respondent lawyers must be mentally (and perhaps financially) prepared at the outset for matters to go the distance. Take *Shanmugam Manohar* for example: the CAD investigations which precipitated the matter took place in 2017, almost ten years ago.

(b) Second, even when the complaint is dismissed, respondent lawyers should not be too quick to assume that the matter will conclude there. Sometimes, as in the case of *Lun Yaodong Clarence v Law Society of Singapore*,[141] the complainant tries but fails to take the matter further. Other times, as in the case of *Sunil Kishinchand Bhojwani v Law Society of Singapore*[142] or *Shanmugam Manohar*, the court decides that the matter should be further investigated.

(c) Third, this is a highly technical area of law that requires a careful dissection of the relevant rules and case law, and the stakes are high for fellow practitioners whose livelihoods may be at risk. Due credit should be given to those who are prepared to represent respondent lawyers in LSS disciplinary proceedings, and especially if they are not charging their full commercial rates.

137 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [81].
138 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [83]–[85].
139 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [86].
140 *Attorney-General v Shanmugam Manohar* [2025] 1 SLR 189 at [87]–[88].
141 [2025] SGHC 137.
142 [2026] 3 SLR 691.

III. Generative artificial intelligence and fictitious authorities

22.64 2025 saw the first reported decision in which counsel was sanctioned for the use of an AI-generated fictitious authority.

A. Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen

22.65 In *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen*[143] ("*Tajudin v Suriya*"), counsel for the claimants cited a fictitious authority in written submissions ("Fictitious Authority"). The name and case number of the Fictitious Authority had been produced by a generative AI ("GenAI") tool. Counsel for the claimants was ordered to pay costs personally to the defendant, and the court directed parties' counsel to provide a copy of its directions to their respective clients.[144]

22.66 Although the Fictitious Authority was cited in the claimants' written submissions, it was missing from the claimants' bundle of authorities filed the day after the submissions had been filed.[145] The court directed parties to ensure that all cited authorities were exhibited and to insert pinpoint citations for all case references. The defendant's counsel then informed the claimants' counsel that he could not locate the Fictitious Authority. Subsequently, and without leave of court, the claimants' counsel filed amended written submissions and a supplementary bundle of authorities containing a replacement authority.[146]

22.67 The court directed the claimants' counsel to identify the amendments and provide reasons for these amendments. In response, the claimants' counsel claimed that the intent was to "update the document due to typographical errors without any amendments to the contents",[147] and that there were "clerical errors"[148] and an "incorrectly cited"[149] case [emphasis in original omitted].[150]

22.68 During the hearing, the claimants' counsel stated that the amended written submissions were filed because of paragraph numbering issues, and because the defendant's counsel had pointed out the existence of a "wrongly cited" case.[151] While the defendant's counsel did not object

143 [2025] 5 SLR 518.
144 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [5].
145 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [9].
146 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [13]–[16].
147 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [16].
148 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [16].
149 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [16].
150 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [16]–[17].
151 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [18].

to the filing of the amended written submissions, he submitted that the claimants' counsel was downplaying the severity of the matter, and his inability to locate the non-existent case was distinct from a mere typographical error.[152] It was only upon further probing from the court that the claimants' counsel admitted that the Fictitious Authority did not exist, and further exchanges took place before the claimants' counsel finally admitted that a GenAI tool had been employed, allegedly by a junior lawyer.[153]

22.69 The court noted the unsettling global trend of court users placing undue reliance on GenAI tools in preparing court documents but without verifying the accuracy of the AI-generated output. The court went on to make extensive reference to the "Guide on the Use of Generative Artificial Intelligence Tools by Court Users" ("GenAI Guide"), which applies to all matters in the Supreme, State and Family Justice Courts.[154]

22.70 GenAI tools like language models predict words to generate text, are unable to discern facts and are not designed to function as search engines, and may generate inaccurate or fabricated output even if they sound persuasive and authoritative.[155] Three main principles are embodied in the GenAI Guide:[156]

(a) Court users are not prohibited from utilising GenAI tools to prepare court documents, provided they comply with the GenAI Guide.

(b) Court users must independently verify that any AI-generated references to authorities placed before the court exist and are accurate, and advocates and solicitors bear an additional professional duty to do so.

(c) Court users remain fully responsible for the content in all their court documents, and must comply with existing rules and practice directions such as the requirement to produce all cited authorities.

22.71 The court has the inherent power to make a personal costs order against an advocate and solicitor who cites a fictitious AI-generated authority to the court (GenAI Guide at para 5(9)(a)),[157] and did so in

152 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [19]–[20].
153 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [32]–[35].
154 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [36]–[37].
155 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [38].
156 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [40].
157 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [42]–[44].

Tajudin v Suriya against the claimants' counsel based on the following three-stage test:[158]

> (a) Whether the advocate and solicitor acted improperly, unreasonably or negligently. In particular, advocates and solicitors have a professional, non-delegable duty to ensure all materials placed before the court exist and are accurate, and are subject to the GenAI Guide, the Supreme Court Practice Directions 2021 and the PCR.[159] The conduct of the claimants' counsel was improper for several reasons. He cited a fictitious AI-generated authority and did not verify its accuracy.[160] He failed to exercise due diligence in preparing the bundle of authorities.[161] Most importantly, he was less than candid with the court and sought to downplay the gravity of his improper conduct: the claimants' counsel did not voluntarily disclose the use of a GenAI tool, and the language he used trivialised the seriousness of his improper conduct and demonstrated a continued failure to appreciate its gravity.[162] His conduct was unreasonable and negligent.[163]
>
> (b) If so, whether the conduct caused the counterparty to incur unnecessary costs, such as where a counterparty has been compelled to expend time and resources in locating and verifying the existence of a fictitious authority, alerting the advocate and solicitor to the mistake, and/or raising the matter in court.[164] In this case, the defendant incurred unnecessary time and expense on such matters, and the proceedings were lengthened as time was spent addressing the issue.[165]
>
> (c) If so, whether it is, in all circumstances, just to order the advocate and solicitor to compensate the counterparty for the whole or any part of the relevant costs. The court might have regard to three broad principles:[166] (i) fairness and proportionality (although the citation of the Fictitious Authority did not materially affect the outcome of the proceedings, the counterparty suffered prejudice and the conduct was egregious);[167] (ii) the need to preserve the integrity

158 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [47].
159 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [52]–[59].
160 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [82(a)].
161 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [82(b)].
162 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [82(c)].
163 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [84]–[85].
164 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [60]–[63].
165 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [87]–[88].
166 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [64]–[79].
167 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [90]–[93].

of the justice system;[168] and (iii) deterrence. In *Tajudin v Suriya*, it was imperative for the court to send an unequivocal message that the citation of the Fictitious Authority was improper and would not be condoned. The imposition of a personal costs order might discourage the claimants' counsel and other advocates and solicitors from such conduct.[169]

22.72 As for the quantum of costs, the court held that that the assessment should not be a mere mathematical exercise based on the number of fictitious authorities cited, but should be based on factors that go into assessing whether it was just to order costs against the advocate and solicitor, and in particular the egregiousness of the conduct of the claimants' counsel. The claimants' counsel was ordered to personally pay the defendant costs of $800.[170]

22.73 This author will go out on a limb to say that $800 is not a huge sum to pay, considering the court's articulation of the egregiousness of the conduct of the claimants' counsel. Perhaps the court was mindful that this was the first published case in Singapore of its kind, and was hopeful that the imposition of *any* quantum of personal costs would be sufficient to prevent the occurrence of similar cases. Unfortunately, there has been at least one subsequent case in 2026 involving AI-generated fictitious authorities, which this author expects to cover in next year's issue of the *Singapore Academy of Law Annual Review of Singapore Cases*.

IV. Solicitors' duty of independence

A. Ren Xin Wu v Lee Kuan Fung

22.74 *Ren Xin Wu v Lee Kuan Fung*[171] concerned a solicitor acting for multiple parties in a way where their independence and ability to act dispassionately and properly for all parties could potentially be compromised.[172] The case involved two separate claims that were consolidated and heard together, both of which stemmed from the demise of a liquidated company.[173]

22.75 The first claim was brought by the liquidators of the company against (a) another company ("Advisor") that was ostensibly hired to

168 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [94].
169 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [95]–[96].
170 *Tajudin bin Gulam Rasul v Suriya bte Haja Mohideen* [2025] 5 SLR 518 at [98]–[99].
171 [2025] 4 SLR 583.
172 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [143].
173 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [1].

provide corporate restructuring advice to the company; and (b) one of the company's directors and shareholders, Lee Kuan Fung ("Mdm Lee"). The issue was whether the transaction with the Advisor was a sham orchestrated by the Advisor and Mdm Lee to siphon moneys out of the company.[174]

22.76 The second claim was brought by a creditor and shareholder of the company, Ren Xin Wu ("Mr Ren"), against the other two founding shareholders of the Company, Mdm Lee and Chua Chim Kang ("Mr Chua"). The issue was whether Mdm Lee and Mr Chua were responsible for a loan that Mr Ren had made to the company.[175]

22.77 Both claims were dismissed. The same firm, and the same set of counsel, acted for the claimants in both claims. Mdm Lee was a defendant in both claims.[176] As it turned out, one of the counsel for the claimants, Zheng Shengyang, Harry ("Mr Zheng"), was initially acting for Mr Ren. Mdm Lee then filed a disciplinary complaint against Mr Zheng in respect of actions he undertook in the course of his representation of Mr Ren. Mr Zheng was eventually reprimanded. Thereafter, the liquidators appointed Mr Zheng to act for the company in its claim.[177]

22.78 Mdm Lee raised concerns that the same counsel (against whom she had filed a disciplinary complaint that led to a reprimand) was subsequently hired by the liquidators to pursue claims against her. When the court raised these reservations to Mr Zheng in the presence of all parties before trial, Mr Zheng's response was that he and his firm took the view that there was no conflict of interest, but that his "co-counsel"[178] would take charge of the proceedings and he "stepped back as the lead counsel"[179] as a result.[180]

22.79 In a coda, Mohamed Faizal JC made observations about the situation where a solicitor who: (a) had previously acted for the primary creditor in collateral proceedings against individual directors before the liquidators appointed him; (b) then subsequently acts for both the creditor and the liquidators in a multitude of proceedings against the same directors; and (c) had been sanctioned as a result of a legitimate complaint about his conduct against one of these directors in prior

174 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [2].
175 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [3].
176 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [144].
177 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [145].
178 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [146].
179 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [146].
180 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [146].

actions.[181] The line between acting for the primary creditor, *versus* the liquidators, blurs to the point of being non-existent. Questions would arise as to whether the proceedings are independently being brought by the liquidators for the benefit of the company, or whether the liquidators' claims are influenced by grievances that the underlying creditor has against other directors, or grievances of a solicitor against a complainant whose complaint had led to a reprimand.

22.80 Having a "co-counsel" take charge of the proceedings and sitting on the sidelines did not resolve the conflict given the danger of co-counsel's views being coloured by Mr Zheng's perception of the case.[182] Even if Mr Zheng were genuinely attempting to act independently, his ability to do so might be questioned. These concerns were reinforced by a number of unanswered questions the court had about the manner in which the litigation was conducted.[183]

22.81 The court did conclude that its observations did not have significant implications on its decision to dismiss both claims on the merits, but observed that its observations were made to underscore the importance of the perception – and not just the reality – of impartiality.[184] The court also only limited itself to observations and did not make any findings in respect of Mr Zheng's conduct.

22.82 A casual reader might wonder whether the upshot of the court's decision is that counsel should refrain from acting against a party who had previously made a professional complaint against that counsel. This author suggests that the decision should be read with more nuance. It is suggested that in this case:

(a) The court was concerned about whether the liquidators' claim against, *inter alia*, Mdm Lee, should have been maintained after certain documents became available and certain concessions were made.[185]

(b) In fact, if the liquidators' claim was pursued merely as a means to provide collateral support to Mr Ren's separate claim against, *inter alia*, Mdm Lee, that would be impermissible given the liquidator's duty to be objective, impartial and independent in the discharge of their duties and the exercise of their powers.[186]

181 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [148].
182 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [149].
183 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [151].
184 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [152].
185 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [46] and [50].
186 *Ren Xin Wu v Lee Kuan Fung* [2025] 4 SLR 583 at [48].

(c) Since Mr Zheng was counsel for both Mr Ren (in his claim against Mdm Lee and Mr Chua) and the liquidators (in the claim against Mdm Lee and the Advisor), and Mr Ren appeared to be the only party maintaining that the transaction with the Advisor was a sham, the question that potentially arose was whether the decision for Mr Zheng's firm to continue its pursuit of the liquidators' claim (which was eventually dismissed) was an independent one.

(d) The concern was exacerbated because it was Mdm Lee's complaint against Mr Zheng that had led to him being reprimanded.

22.83 Counsel may find themselves in a situation where (a) their claim may no longer be meritorious in light of the evidence that has emerged and concessions made; and (b) they have a relationship or history with another party that suggests that they may have reasons – apart from the merits of the claim – to continue prosecuting the claim, but are nevertheless instructed to continue prosecuting the claim. In such situation, the author would venture, from a risk-management point of view, that counsel may wish to consider contemporaneously documenting the reasoning for their continued representation, the advice given to their client and perhaps even a suggestion that their client seeks independent legal advice on whether they continue to pursue the claim. Where counsel have found themselves in a position of non-independence, they may wish to consider discharging themselves.

V. Cases involving dishonesty

A. Law Society of Singapore v Yeo Poh Tiang

22.84 In *Law Society of Singapore v Yeo Poh Tiang*,[187] the C3J suspended the respondent, Yeo Poh Tiang ("Ms Yeo"), for four months because she had falsely attested to witnessing the signature of a client on a form purporting to create a lasting power of attorney ("LPOA").[188]

22.85 Ms Yeo initially met with the complainant, Ting Yin Wee ("Ms Ting"), and gave advice on how to go about creating an LPOA.[189] Following the meeting, Ms Ting downloaded, completed, and signed the LPOA Form 1 (2014), and e-mailed it to Ms Yeo. Ms Yeo noticed mistakes in the form, and a meeting was scheduled at her offices to

187 [2025] 4 SLR 545.
188 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [1]–[2].
189 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [4].

correct the mistakes.[190] The form which Ms Ting brought to the meeting was already pre-signed, but Ms Yeo nonetheless added her signature as a witness, dated the form, and affixed her rubber stamp that identified her as an advocate and solicitor.[191] The completed form was eventually lodged with the Office of the Public Guardian ("OPG").[192]

22.86 Ms Ting subsequently engaged Ms Yeo to assist with her divorce, but was unhappy with Ms Yeo's handling of the matter.[193] Ms Ting then contacted the OPG about her LPOA, and the OPG then wrote to the LSS about Ms Yeo's false attestation.[194] A DT was eventually constituted, which determined that cause of sufficient gravity for disciplinary action had been disclosed against Ms Yeo.[195] The matter then proceeded before the C3J.[196]

22.87 The C3J held that false attestation in and of itself was a species of dishonesty even if there was no personal gain or improper motive on the solicitor's part in accommodating a client's wishes. Ms Yeo's act of adding her signature as a witness to a pre-signed document caused the LPOA to contain a false certification that the certificate issuer had witnessed Ms Ting signing the LPOA form. The making of such a false certificate involved dishonesty and was sufficient to constitute grossly improper conduct by Ms Yeo in the discharge of her professional duty.[197]

22.88 Although Ms Yeo had taken steps to verify Ms Ting's signature, *ie*, to confirm that the signature belonged to Ms Ting who intended to execute an LPOA, her efforts at verification did not change the fact that she had not witnessed the execution of the LPOA, and would not absolve Ms Yeo of liability for false attestation.[198] That being said, her efforts at verification were relevant at the sentencing stage.[199]

22.89 Turning to the appropriate sanction, the parties and the C3J agreed that in this case, the appropriate sanction was suspension, and not striking off.[200] This author notes, parenthetically, that:[201]

190 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [5].
191 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [6].
192 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [8].
193 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [9].
194 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [10].
195 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [12].
196 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [1].
197 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [18].
198 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [24].
199 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [25].
200 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [27].
201 *Law Society of Singapore v Chia Choon Yang* [2018] 5 SLR 1068 at [39].

> … misconduct involving dishonesty will almost invariably warrant an order for striking off where the dishonesty reveals a character defect rendering the errant solicitor unsuitable for the profession, or undermines the administration of justice.

22.90 However, in the present case, the misconduct stemmed from a lapse of judgment rather than a character defect rendering her unfit for the profession.[202]

22.91 As for the length of the suspension, the C3J ordered a suspension of four months[203] after considering:

(a) various sentencing precedents;[204]

(b) that a certificate issuer's failure to properly discharge their important role in safeguarding the integrity of the LPOA regime compromises public confidence in the individual certificate issuer, the LPOA regime, and the legal profession;[205] and

(c) the verifications undertaken by Ms Yeo, which assured her (albeit misguidedly) that she could accept the pre-signed LPOA form instead of insisting on a re-execution of the form. Her misconduct arose from a serious lapse of judgment and misplaced confidence.[206]

Costs were also ordered against Ms Yeo.

22.92 This author can envisage a situation where a client comes to a lawyer with a pre-signed standard form, confirms that it is their signature, and asks the lawyer to sign off as a witness. In the heat of the moment, one can perhaps understand the possibility of the lawyer failing to draw the distinction between witnessing *versus* verifying the signature, and especially if the client baulks at the perceived inconvenience of having to fill up and re-sign the exact same form in front of the lawyer. However, as demonstrated in this case, the lawyer who decides to skip this process also does so at their own peril.

22.93 This review turns finally to the remaining three cases in 2025 involving dishonesty. In each of these cases, the C3J ordered that dishonest respondents be struck off the roll. Space does not permit detailed summaries, especially since this author's view (and hope) is that

202 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [27].
203 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [39].
204 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [28]–[35].
205 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [36].
206 *Law Society of Singapore v Yeo Poh Tiang* [2025] 4 SLR 545 at [37].

these cases are likely to be less relevant to the majority of practitioners, but readers who find their interest piqued by these brief descriptions are encouraged to read these cases in their entirety.

B. Law Society of Singapore v Yeo Yao Hui Charles (Yang Yaohui)

22.94 In *Law Society of Singapore v Yeo Yao Hui Charles (Yang Yaohui)*,[207] the respondent mismanaged clients' moneys, failed to directly communicate with complainants to verify their identity and instructions in acting for them, abused the court's processes, misrepresented facts to the judge, and impugned the integrity of the Judiciary and the AG.[208] The C3J held that the gross extent of the respondent's breaches signified his serious defects of character, rendering the respondent manifestly unfit to remain an officer of the court and an advocate and solicitor of the Supreme Court of Singapore.[209]

C. Law Society of Singapore v Chen Kok Siang Joseph

22.95 In *Law Society of Singapore v Chen Kok Siang Joseph*,[210] the respondent had mishandled workplace injury claims brought by foreign workers. In particular, the respondent (a) entered into a settlement, applied the moneys received towards his own fees and disbursements, and discontinued the client's claim without advising, informing, and/or obtaining consent from his client;[211] (b) failed to keep proper records of instructions received from and advice rendered to his client;[212] (c) failed to exercise proper supervision over staff;[213] (d) failed to advise his client on the terms of a warrant to act and power of attorney;[214] (e) placed himself in a position of conflict and formed a prohibited contingency fee arrangement by acquiring a financial interest in the outcome of the client's claim;[215] and (f) failed to update his client on his lawsuit or

207 [2025] 5 SLR 700.
208 *Law Society of Singapore v Yeo Yao Hui Charles (Yang Yaohui)* [2025] 5 SLR 700 at [3].
209 *Law Society of Singapore v Yeo Yao Hui Charles (Yang Yaohui)* [2025] 5 SLR 700 at [5].
210 [2025] 3 SLR 933.
211 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [60].
212 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [77]–[79].
213 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [80]–[90], [120] and [139]–[150].
214 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [91]–[97].
215 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [98]–[103].

provide timely advice.[216] The C3J held that the respondent relied on fabricated evidence.[217] The C3J also held that the respondent engaged in dishonest conduct and that there were a number of aggravating factors.[218] The respondent's conduct was egregious, he had practiced law in an unacceptable and reprehensible manner for profit, and his behaviour called for the most serious sanction possible.[219]

D. Law Society of Singapore v Li Zhongsheng

22.96 In *Law Society of Singapore v Li Zhongsheng*,[220] the respondent lawyer had previously pleaded guilty to the offence of cheating under s 417 of the Penal Code 1871.[221] He had misappropriated a card holder containing a credit card left behind in a private-hire vehicle by a previous passenger, and used the credit card to make purchases with a total value of $4,349.[222] The respondent was struck off as dishonesty was integral to the commission of the offence for which he was convicted,[223] and misconduct involving dishonesty would almost invariably warrant an order for striking off where the dishonesty reveals a character defect rendering the errant solicitor unsuitable for the profession.[224] There were no exceptional facts warranting a departure from that presumptive sanction, and no causal link between the respondent's mental conditions and the commission of the offence.[225] The respondent himself accepted that a striking order should be made.[226]

VI. Other misconduct cases

A. Law Society of Singapore v Tan Jeh Yaw

22.97 In *Law Society of Singapore v Tan Jeh Yaw*,[227] the respondent purported to have acted as a supervising solicitor for two practice trainees when he was not qualified to do so, and in breach of

216 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [121]–[122] and [151]–[152].
217 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [62]–[70].
218 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [104]–[117].
219 *Law Society of Singapore v Chen Kok Siang Joseph* [2025] 3 SLR 933 at [153]–[157].
220 [2025] 4 SLR 1614.
221 2020 Rev Ed.
222 *Law Society of Singapore v Li Zhongsheng* [2025] 4 SLR 1614 at [3].
223 *Law Society of Singapore v Li Zhongsheng* [2025] 4 SLR 1614 at [9].
224 *Law Society of Singapore v Li Zhongsheng* [2025] 4 SLR 1614 at [10].
225 *Law Society of Singapore v Li Zhongsheng* [2025] 4 SLR 1614 at [11].
226 *Law Society of Singapore v Li Zhongsheng* [2025] 4 SLR 1614 at [11].
227 [2025] 5 SLR 968.

r 18(1)(*b*) of the Legal Profession (Admission) Rules 2011. Although the respondent was required to hold a practising certificate for at least five out of the seven years preceding the training period, he only held a practising certificate for around three years.[228]

22.98 The respondent accepted that due cause had been shown under s 83(1) of the LPA, and the only substantive issue was the appropriate sanction.[229] Striking off was unwarranted as his misconduct did not evidence a character defect or suggest a fundamental lack of respect for the law,[230] but a fine would not be sufficient as this was not a one-off or trivial breach.[231]

22.99 The C3J imposed a suspension of 12 months,[232] taking into account:

(a) harm: the C3J considered harm caused to the trainees, clients of the firm they might have serviced during their practice training, and public confidence in the legal profession;[233]

(b) culpability: the C3J inferred that the respondent did not check the Legal Profession (Admission) Rules 2011, or failed to properly direct his mind to whether he satisfied the conditions to act as a supervising solicitor;[234]

(c) remorse: the respondent accepted his breach and stated his intention to plead guilty at the earliest possible opportunity, and voluntarily suspended his practice for more than 31 months;[235] and

(d) antecedents: although antecedents were relevant, they were unconnected and dissimilar to the breaches at hand and were relatively minor.[236]

B. Law Society of Singapore v Dhanwant Singh

22.100 In *Law Society of Singapore v Dhanwant Singh*,[237] the respondent failed to supervise a conveyancing clerk in his law firm who had

228 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [6].
229 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [3].
230 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [42].
231 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [43].
232 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [63].
233 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [46]–[49].
234 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [50]–[55].
235 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [56]–[57].
236 *Law Society of Singapore v Tan Jeh Yaw* [2025] 5 SLR 968 at [58]–[60].
237 [2025] 4 SLR 1443.

misappropriated conveyancing money, and covered up his wrongdoing.[238] The respondent claimed that he took over the position of partner and manager of his firm from Udeh Kumar s/o Sethuraju after he was struck off the roll.[239]

22.101 Cause of sufficient gravity was shown. Although the respondent was not dishonest and did not benefit personally from the clerk's unsupervised acts, the absence of such aggravating factors did not amount to a mitigating factor.[240] Neither was the respondent's lack of awareness of the clerk's actions a mitigating factor, as this was a natural consequence of his non-supervision.[241] And although the charges concerned only a single employee and a single transaction, the failure to supervise went far beyond that transaction. The respondent totally ignored and disregarded what the clerk was doing for almost five years and essentially allowed the clerk to run a conveyancing practice as if he were a partner of the firm.[242]

22.102 Turning to the sanction, there were several aggravating factors:

(a) This case was not merely one of lack of proper supervision; it concerned total absence of supervision and total indifference to what the conveyancing clerk was doing.[243]

(b) The respondent was nonchalant and did not investigate when the client had complained to him about the clerk.[244]

(c) Despite not supervising the clerk at all and having no awareness of his conveyancing work, the respondent was open to referring new conveyancing work to the clerk.[245]

(d) The respondent was a fairly senior lawyer during the material period, and the harm caused to public confidence in the integrity of the legal profession is higher in cases of misconduct by senior practitioners.[246]

(e) The respondent had a recent antecedent involving conveyancing funds.[247]

238 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [1].
239 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [5].
240 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [36].
241 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [37].
242 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [38].
243 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [42].
244 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [43].
245 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [44].
246 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [45].
247 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [46].

(f) The respondent demonstrated no remorse before the DT.[248]

22.103 The respondent was suspended for five years. As he was an undischarged bankrupt, the C3J ordered the suspension period to commence from the date of his discharge from bankruptcy.[249]

22.104 Practitioners would do well to remember that misconduct can arise not just from positive acts, but also omissions (in this case, the failure to perform the necessary checks).

VII. Legal professional privilege

A. Madison Pacific Trust Ltd v David Salim

22.105 In *Madison Pacific Trust Ltd v David Salim*,[250] a receivership order was made against the first defendant, David Salim ("Mr Salim").[251] The receivership order granted the receivers and managers ("R&Ms") the power to, *inter alia*, obtain information from any party in respect of Mr Salim's assets, transactions and/or affairs.[252]

22.106 The R&Ms then sought an order that a law firm, Gabriel Law Corp ("GLC"), provide the R&Ms with information and/or documents pertaining to the assets of Mr Salim.[253] GLC had previously acted for Mr Salim in an arbitration which eventually led to the receivership order.[254] The question that naturally arose was whether the information and documents were subject to legal advice privilege.[255] The R&Ms argued that they could access the information because, *inter alia*, even if the information was privileged, (a) the R&Ms were acting as and in the name of Mr Salim; or (b) privilege had been waived by virtue of a letter of authorisation signed by the assistant registrar pursuant to the receivership order.[256]

22.107 As to whether the information sought was privileged, Jeyaretnam J held that the key inquiry was whether what was sought

248 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [47].
249 *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 at [55]–[56].
250 [2025] 4 SLR 1512.
251 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [2]–[4].
252 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [5].
253 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [1].
254 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [1]–[4].
255 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [10].
256 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [11].

to be disclosed could properly be said to be or reveal confidential legal advice and assistance, or whether the communication or other document was made confidentially for the purposes of legal advice.[257] Applying this test, some of the information sought by the R&Ms was not privileged, whereas some other information sought might include privileged information.[258]

22.108 Information about Mr Salim's payment of GLC's legal fees was not privileged, as these communications would not have been made for the purpose of seeking GLC's legal advice, but for the purpose of paying GLC for its services in rendering that advice. Disclosure of the communications regarding Mr Salim's payment of legal fees would not have jeopardised his ability to speak freely and in confidence for the purpose of obtaining legal advice.[259]

22.109 The court then considered whether the R&Ms could obtain privileged information from GLC.[260] After considering a number of authorities, the court concluded that the R&Ms were not authorised to review privileged information or waive privilege on behalf of Mr Salim:[261]

(a) Legal privilege is a personal right, and it is not a right that can be exercised or waived by a receiver and manager on an individual's behalf. This accords with the purpose of the privilege, which is to enable legal advice to be sought and given in confidence.[262]

(b) There was nothing in the receivership order that expressly or implicitly empowered the R&Ms to obtain privileged information or to waive privilege.[263]

(c) In any event, the court does not have the power to issue a receivership order that allows the receiver and manager to access privileged material in the name of the receivership respondent, or to waive privilege in his name.[264]

22.110 This judgment covers a discrete but important point for receivers and managers, and may well be relevant to liquidators and

257 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [50]–[51].
258 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [51].
259 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [43].
260 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [52].
261 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [57]–[75].
262 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [76].
263 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [77]–[82].
264 *Madison Pacific Trust Ltd v David Salim* [2025] 4 SLR 1512 at [83]–[84].

trustees in bankruptcy as well. Insolvency practitioners would do well to take note.

VIII. Taxation of solicitor and client costs

A. Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP

22.111 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP*[265] was another case that arose from disciplinary proceedings that Mr Lun was subject to, in which Dentons acted for him. In summary, Dentons was not paid for its professional fees. Mr Lun repeatedly asked Dentons to apply to the General Division to have its bill of costs assessed, and Dentons proceeded to do so in HC/BC 123/2024 ("BC 123").

22.112 However, Mr Lun subsequently argued that BC 123 should be stayed under s 6 of the Arbitration Act 2001[266] ("AA") because there was a dispute as to the validity of his letter of engagement ("LOE") with Dentons, which contained a dispute resolution clause:[267]

> Except for disputes concerning the amount or non-payment of part or all of our bills, any dispute arising out of or in connection with this engagement, including any question regarding its existence, validity or termination, shall be referred to mediation at the Singapore Mediation Centre. If the dispute cannot be resolved within 3 months of its reference to mediation, then either party may refer the dispute to arbitration in Singapore in accordance with the Arbitration Rules of the Singapore International Arbitration Centre ('SIAC Rules') applicable at the date of reference.

22.113 An assistant registrar dismissed Mr Lun's stay application on the basis that the subject matter of BC 123 fell within the carve-out as to "disputes concerning the amount or non-payment of … bills",[268] and a judge of the General Division affirmed this decision. Mr Lun sought permission to appeal on the ground that the judge erred in law.[269]

22.114 As Mr Lun's application was for permission to appeal based on a *prima facie* error of law, he would have to establish (a) that the appeal was likely to succeed (beyond presenting a merely arguable case); and (b) a likelihood of substantial injustice if permission were not granted.[270] Under the AA, which applies to domestic arbitration,

265 [2025] 1 SLR 849.
266 2020 Rev Ed.
267 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [1]–[2].
268 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [2].
269 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [3].
270 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [24].

the court retains some discretion to refuse a stay of proceedings even if they engage a matter that is subject to an arbitration agreement.[271] When ascertaining whether the dispute in the court proceedings falls within the scope of the arbitration agreement, the two-stage test is to:[272]

> (a) First, determine the matter(s) or dispute(s) which the parties have raised or foreseeably will raise in the court proceedings.
>
> (b) Second, ascertain whether such matter(s) or dispute(s) fall within the scope and ambit of the arbitration clause.

22.115 When determining whether a court proceeding engages a matter that is subject to an arbitration agreement between the parties, the focus is on its substance over its form.[273] The mere assertion that the dispute that comes within the scope of an arbitration agreement does not inexorably and automatically trigger the operation of s 6 of the AA. If the resolution of an issue that the parties have agreed to submit to arbitration is not an essential step in the resolution of the dispute in the court proceedings, the issue will not be a matter that arises in the court proceedings and will generally not provide a basis to stay the court proceedings.[274] And although there is a presumption that parties who are rational businesspeople are likely to have intended any dispute to be decided by the same tribunal, this is simply a presumption of the parties' intentions that should not be superimposed where the language of the dispute resolution agreement and relevant circumstances reveal a contrary intention.[275]

22.116 The court then turned to the notice of dispute that Mr Lun had filed in BC 123, which set out two broad areas of dispute:[276]

> (a) Whether Dentons's fees were fair, reasonable and proportionate to the work done. This issue arose in BC 123 and fell within the scope of the carve-out.
>
> (b) Whether the LOE was invalid for misrepresentation. This issue fell within the scope of the arbitration agreement. The question on which Mr Lun's application turned was whether this issue was an essential element of the dispute in BC 123 which warranted its stay.

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271 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [25].
272 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [25]–[26].
273 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [29].
274 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [30].
275 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [31].
276 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [32].

22.117 The court held that the determination of the validity of the retainer did not need to occur before the court assessed solicitor-and-client costs. In taxation proceedings, the court is primarily concerned with the quantum of costs that a solicitor should be entitled to, and not the liability of a person to pay the solicitor's costs. The determination of the validity of the LOE was therefore not an "essential element"[277] of resolving the dispute over the quantum of Dentons's fees.[278]

22.118 It was open to Mr Lun to pursue the issue of the alleged invalidity of the LOE pursuant to the arbitration clause, and while this might have led to the fragmentation of the parties' dispute, such fragmentation was precisely what the parties intended.[279]

22.119 The court also considered the appropriateness of making a case management stay. The power to order a case management stay flows from a different source and serves a different purpose than the statutory power to stay proceedings under s 6 of the AA.[280] In the present case, a case management stay was inappropriate as:[281]

(a) Mr Lun had not sought a case management stay.

(b) The court could avoid any dispute over the validity of the LOE when determining the quantum of Dentons's fees by proceeding on alternate bases (*ie*, on the basis of the LOE being valid, and on the basis of the LOE not being valid).

(c) There was no risk of prejudice to Mr Lun in allowing the assessment of costs to proceed.

(d) There was a reasonable basis for believing that Mr Lun's allegations of misrepresentation and attempt to stay BC 123 were a ploy to delay settling Dentons's fees. The impression from Mr Lun's conduct was that despite Dentons effectively acceding to his request to postpone the issue of fees until his return from suspension, Mr Lun had decided that he did not wish to pay any fees at all or that he would drag the matter for as long as possible.

277 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [37].
278 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [32]–[37].
279 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [38]–[40].
280 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [41].
281 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [42]–[52].

22.120 Finally, as to the arbitrability of a dispute over the taxation of a solicitor's bill of costs, the court expressed potential reservations (but without deciding the issue) as to whether the court's jurisdiction to assess a solicitor's costs, and the client's right of recourse to the court, could be excluded.[282]

22.121 Mr Lun's application for permission to appeal was therefore dismissed with costs ordered against him.[283]

22.122 This author's anecdotal observation is that it is not uncommon for letters of engagement to contain arbitration clauses. This is especially since arbitration proceedings are generally confidential (unlike court proceedings) and firms are unlikely to wish to draw attention to their disputes with their clients. However, the natural consequence of such clauses is that the resolution of disputes between solicitors and their clients may end up being fragmented – particularly where multiple issues have been raised – and firms would do well to consider whether the advantages of an arbitration clause outweigh the disadvantages and risks.

B. Selvam LLC v AMLA Pte Ltd

22.123 In *Selvam LLC v AMLA Pte Ltd*,[284] a law firm and its client had a fee dispute. The bill of costs was taxed by a deputy registrar of the State Courts and reviewed by a district judge. Both parties filed cross-appeals to the General Division.[285] Aidan Xu J held, *inter alia*, that:

(a) The proportionality of the solicitor-and-client costs should be assessed in relation to the assessed damages as well as all other relevant circumstances of the case, and the mere fact that a client attached great importance to the litigation did not give his lawyers unlimited latitude to accumulate costs indiscriminately.[286]

(b) When assessing solicitor-and-client costs (as opposed to party-and-party costs), the assessed damages were a secondary consideration. As such, the assessed costs were not disproportionate just because they significantly exceeded the

282 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [53]–[63].
283 *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] 1 SLR 849 at [64].
284 [2025] SGHC 220.
285 *Selvam LLC v AMLA Pte Ltd* [2025] SGHC 220 at [1]–[11].
286 *Selvam LLC v AMLA Pte Ltd* [2025] SGHC 220 at [40]–[42].

awarded damages, especially considering that the client had brought the claim to stem significant losses.[287]

(c) The district judge had assessed costs based on the actual work done by the law firm, and had found that the hours recorded in timesheets were unreasonable considering the complexity of the matter.[288]

(d) The number of hours spent on various pieces of work were excessive considering that the matter was simple and that counsel was already familiar with the issues. In particular, the firm had billed hours that were equivalent to a lawyer working exclusively on a relatively simple defamation claim for ten weeks, for which trial had lasted only three days, and where the falsity of the defendant's statements had already been determined.[289]

22.124 From time to time, practitioners may meet clients who state that costs are not a concern, and that no expense should be spared. Practitioners choose to take such clients' word for it at their own peril: there is always the possibility of the costs that are racked up being taxed down. Practitioners may also wish to consider entering into an agreement as to costs for contentious business pursuant to s 111 of the LPA, in light of s 112(4) of the LPA. However, practitioners who do so should also consider in advance how they intend to prove that the agreement falls within the ambit of s 111 of the LPA.[290]

IX. Bar admission cases

A. Re Pulara Devminie Somachandra

22.125 In *Re Pulara Devminie Somachandra*,[291] Sundaresh Menon CJ dismissed an applicant's admission application and imposed a minimum period during which the applicant was not to bring a fresh application for admission ("Minimum Exclusionary Period") of five years.[292]

22.126 During her Part A Bar examinations, the applicant collaborated with another candidate, and they submitted answer scripts that bore stark similarities to each other.[293] The Board of Examiners of the Singapore

287 *Selvam LLC v AMLA Pte Ltd* [2025] SGHC 220 at [45].
288 *Selvam LLC v AMLA Pte Ltd* [2025] SGHC 220 at [46].
289 *Selvam LLC v AMLA Pte Ltd* [2025] SGHC 220 at [48]–[65].
290 See, *eg*, *WIH v WII* [2020] SGHCF 1.
291 [2025] 4 SLR 950.
292 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [71].
293 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [5]–[17].

Institute of Legal Education determined that the applicant had failed the paper, but she was allowed to re-sit the paper.[294] When the applicant applied for admission as an advocate and solicitor, she did not disclose the incident.[295]

22.127 When asked why she had not declared the incident, the applicant claimed to genuinely believe that the Board of Examiners' finding was "akin to an informal warning" that she did not need to disclose, and that "if there was an adverse finding, [she] would be informed in due course, of the need to declare the incident in [her] affidavit when applying for admission".[296] However, the court observed that given the duty of candour owed to the court by an applicant for admission, the applicant must assess what needs to be disclosed, and disclose when in doubt.[297] In any event, the evidence showed that the applicant could not reasonably have believed that any further communication was pending from the Singapore Institute of Legal Education that would affect whether she had to disclose the incident.[298]

22.128 The Attorney-General Chambers ("AGC") subsequently discovered that the applicant might have been previously investigated by her university for possible plagiarism. When the AGC contacted the university, the university responded that the applicant did not consent to the university providing the information requested. It was only after further exchanges that the applicant consented to the university disclosing her records, which showed that the applicant had previous instances of "poor academic practice"[299] and "moderate plagiarism".[300] At the hearing of the application, the applicant finally accepted the Board of Examiners' finding, but was unable to provide the explanations sought by the court.[301]

22.129 The court dismissed the application as the applicant was not a fit and proper person to be admitted at that time, lacked integrity, had not really embarked on the process of confronting her character issues, and needed a considerable time to rehabilitate herself:[302]

(a) The findings of the Board of Examiners and her university illustrated her dishonesty, and the applicant had

294 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [18]–[19].
295 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [20].
296 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [20]–[23].
297 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [24].
298 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [25]–[27].
299 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [32].
300 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [30]–[35].
301 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [37].
302 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [44]–[46].

previously "vehemently disagree[d]"[303] that she had collaborated with another Part A candidate despite the compelling evidence. The applicant had also persisted and doubled down on her pattern of behaviour, and was not candid when she referred to extenuating circumstances that did not apply to her act of plagiarism.[304]

(b) The applicant's failure to disclose the findings of the Board of Examiners and her university demonstrated a serious lack of candour. Her various explanations were contrived, she only disclosed information when she had no choice to do so, and she initially attempted to prevent her university from providing AGC with information regarding her academic misconduct. The applicant's lack of candour and belated admission of wrongdoing suggested she had no insight into the ethical implications of her actions.[305]

(c) Although the applicant stated that she had recently started volunteering with a charity, that alone was insufficient evidence that her journey towards rehabilitation had in fact started in any meaningful way.[306]

(d) The aim of a Minimum Exclusionary Period was to facilitate rehabilitation by affording applicants the opportunity to defer their admission, reflect on their prior misconduct and address their character issues. It is not meant to punish. In the present case, a long period of five years was appropriate because of the applicant's pattern of dishonesty and in light of precedents.[307]

22.130 The court also held that the effect of imposing a Minimum Exclusionary Period was only to set a minimum period before the suitability of an applicant was reviewed anew. There is no assurance that the applicant will be admitted at that time, and court would have to assess the applicant's readiness to be admitted at the time of reapplication based on the objective evidence.[308]

22.131 Finally, when the application was first heard, there was some evidence that the publication of a non-anonymised judgment posed an immediate risk to the applicant's health and safety. The court therefore

303 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [47].
304 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [47]–[53].
305 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [54]–[57].
306 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [58]–[59].
307 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [60]–[71].
308 *Re Pulara Devminie Somachandra* [2025] 4 SLR 950 at [69]–[70].

anonymised the grounds of decision on an interim basis and directed the applicant to undergo psychiatric evaluation to determine whether the circumstances warranted departure from the principle of open justice.[309] In *Re Pulara Devminie Somachandra,*[310] Menon CJ dismissed the application for anonymisation because the principle of open justice was the predominant and overriding interest in this case and there were insufficient grounds for departing from it. The full reasoning is as follows:

(a) As a matter of public policy, justice must not only be done but should also be seen to be done, as this promotes transparency and safeguards against judicial arbitrariness or idiosyncrasy, and reinforces public confidence in the judicial system.[311]

(b) The identities of parties are generally made known to the public pursuant to the principle of open justice, and anonymisation orders derogate from this principle. In proceedings involving the legal profession, questions of public interest are engaged pertaining to the character that is required of a candidate for admission to the Bar.[312]

(c) Strong countervailing interests must be shown to derogate from the principle of open justice, and the publication of an admission applicant's name would typically only be withheld if required to avert an imminent and credible threat of grave and disproportionate harm.[313]

(d) In the present case, there was insufficient evidence suggesting a substantial risk of the applicant's condition deteriorating to such an extent that it would be a disproportionate consequence of de-anonymising the grounds of decision.[314]

(e) Although the applicant was concerned that de-anonymisation would mean that her past conduct would "come back to haunt her",[315] applicants "must put their character up for public scrutiny and be assessed as suitable persons to be entrusted with the office".[316] The applicant would or should have known (when she applied for admission) that admission applications are generally public proceedings, and that she could

309 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [1]–[2].
310 [2025] 4 SLR 1006.
311 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [4]–[6].
312 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [7]–[8].
313 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [9].
314 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [21]–[22].
315 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [23].
316 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [23(a)].

not erase the past but should confront and acknowledge it, make the necessary amends, and then move on.[317]

(f) The court was not persuaded that the issue of anonymisation should only be revisited if or when the applicant reapplied for admission, as it was not clear how revisiting the matter only after five years would alleviate her psychiatric condition, and the court should not have to police whether the applicant (who should take personal responsibility) had made progress in her recovery.[318]

B. Re Ariffin Iskandar Sha bin Ali Akbar

22.132 *Re Ariffin Iskandar Sha bin Ali Akbar*[319] concerned three legacy applicants. These were applicants for admission who had completed the formal requirements under the previous admission regime under the Legal Profession (Admission) Rules 2011, but were found to be unsuitable for admission at the time the matter was due to be heard, by which time a new admission regime under the Legal Profession (Admission) Rules 2024 had taken effect.[320]

22.133 One of the key issues that arose was whether the applicants should withdraw their applications (which might lead to unintended consequences such as requiring them to retake the Part B examinations and serve a fresh practice training period, and which might be unduly onerous and is not the intention of a Minimum Exclusionary Period),[321] or whether their applications should be adjourned or stayed.[322]

22.134 Menon CJ first considered the principled difference between the court permitting a withdrawal of the application, adjourning the application, or dismissing the application, all of which have different signalling effects:

(a) Where it is clear that the admission application should not proceed, the court should either adjourn or permit the withdrawal of the application, depending on the length of the period of deferment.[323]

317 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [23].
318 *Re Pulara Devminie Somachandra* [2025] 4 SLR 1006 at [26].
319 [2025] 4 SLR 887.
320 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [2]–[3].
321 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [2] and [12].
322 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [3]–[5].
323 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [15].

(b) If the court thinks that a "relatively short period of deferment is all that is likely to be needed",[324] an adjournment is appropriate, but if a "longer period is thought appropriate, the court may permit the withdrawal of the admission application".[325]

(c) However, where the court considers the circumstances of the breach egregious, and that the applicant has failed to even begin the journey of reform and rehabilitation, the court would dismiss the application.[326]

22.135 Turning to the legacy applicants, the court held that the same goal behind imposing a Minimum Exclusionary Period could also be achieved via an adjournment or a stay, rather than a withdrawal which would require the legacy applicants to embark afresh on the steps needed to meet the formal requirements for admission.[327]

22.136 In respect of the first applicant, the court held that no adjournment or stay was necessary:

(a) He had published certain untruths in relation to KK Women's and Children's Hospital in an article on an online news platform. He was convicted of the offence of criminal defamation and sentenced to an $8,000 fine;[328]

(b) The court held that the applicant did not present any character issue that stood in the way of his admission. He had voluntarily disclosed his actions, demonstrated remorse, and showed willingness to take responsibility. His offence did not suggest dishonesty. He had also taken positive steps to re-establish his suitability for legal practice after he was found to have committed the offence.[329]

(c) The "Protective Principle" (*ie*, even though there is nothing before the court to suggest that a given applicant continues to face unresolved character issues at the time of the application for admission, the court may conclude, having regard to the nature of his or her misconduct, that to admit the applicant would risk undermining public trust and confidence in the legal profession and the administration of justice) was therefore not engaged.[330]

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324 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [15].
325 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [15].
326 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [16].
327 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [2] and [17].
328 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [28].
329 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [50]–[59].
330 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [50]–[59].

22.137 In respect of the second applicant, an 18-month Minimum Exclusionary Period was imposed by way of a stay:

(a) The applicant was involved in two academic incidents in university.[331] Although he disclosed the incidents, his disclosures omitted some information and there were inconsistencies with his admission to his university.[332]

(b) One of the academic incidents constituted serious misconduct and plagiarism, his confession to his university was not underpinned by honesty or remorse and reflected a degree of tactical realism, and he had understated the extent of his plagiarism in the course of his application for admission. He was not full and frank in his disclosure of his misconduct, which suggested a lack of appreciation of his duty of candour to the court.[333]

(c) He was therefore not a fit and proper person at the time of the hearing, and a deferment period was necessary for him to reflect on his prior misconduct and address his character issues.[334]

(d) An 18-month Minimum Exclusionary Period was imposed because of the seriousness of his misconduct which suggested a high degree of planning and premeditation, he was not entirely truthful to the court and only came clean upon prodding, and his expressions of remorse had to be viewed in light of his serious non-disclosures.[335]

22.138 In respect of the third applicant, a three-year Minimum Exclusionary Period was imposed by way of a stay:

(a) The applicant received an official reprimand for plagiarism in university.[336]

(b) The applicant did not disclose the plagiarism incident in his first affidavit for admission, but only did so in a second affidavit filed after a university professor reminded him to make a declaration.[337]

331 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [61]–[63].
332 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [64]–[67].
333 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [74]–[82].
334 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [74] and [82].
335 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [83]–[88].
336 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [89]–[96].
337 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [90].

(c) There were inconsistencies between the information disclosed by the applicant and that disclosed by the university to the AGC. He downplayed the extent of the unauthorised collaboration to which he had admitted, and falsely claimed that he had owned up to his wrongdoing before the university.[338]

(d) The circumstances of the academic offence were serious, there was no excuse for the sheer extent of copying, and the applicant's conduct reflected a lack of respect and regard for a fellow student and suggested a serious character defect.[339]

(e) During the initial investigations, the applicant did not come clean and showed no remorse.[340] As for his subsequent disclosure when applying for admission, he only made piecemeal disclosures in his second affidavit that downplayed the extent of his plagiarism, and had to be reminded to make a disclosure even though it was unlikely that he had forgotten about the incident as he claimed.[341]

(f) His non-disclosures and untrue statements suggested that his expressions of remorse were platitudes, not a genuine understanding of the nature and extent of his wrongdoing.[342] His claim to be actively involved in community service (which was raised in submissions and not via affidavit) did not count for much, given his continued inability to grasp the seriousness of his misconduct and the discrepancies in his disclosure of that misconduct.[343]

(g) A longer three-year Minimum Exclusionary Period was imposed because his misconduct was serious, there was no indication of remorse, he was not truthful in his disclosures, and his bare statements on his insight into his actions had to be viewed in light of his continued failure to come to grips with the truth.[344]

22.139 A common thread that runs through these cases is that they involve applicants who would likely have been subject to a shorter Minimum Exclusionary Period if they had been upfront about past incidents when they applied for admission. This is not to say, of course,

338 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [97]–[101].
339 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [107]–[108].
340 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [109]–[110].
341 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [111]–[113].
342 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [114].
343 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [115].
344 *Re Ariffin Iskandar Sha bin Ali Akbar* [2025] 4 SLR 887 at [117]–[122].

that disclosure is a magic bullet. Rather, it is the lack of disclosure, and what it implies, that troubles the court.

22.140 *Re Smith, Tom KC*[345] concerned an application for *ad hoc* admission under s 15 of the LPA for the applicant, Tom Smith KC, to act as instructed counsel in several appeals. Although the courts have considered numerous applications for the *ad hoc* admission of foreign senior counsel to represent a party in first instance proceedings, this was an atypical application for the *ad hoc* admission of a foreign senior counsel for an appeal where the party seeking such representation continued to be represented by the same local counsel for the appeal proceedings.[346]

22.141 The analytical framework for determining whether an *ad hoc* admission application should be granted is:[347]

(a) First, the court considers whether the mandatory requirements stipulated under s 15(1) of the LPA are satisfied.

(b) Second, the court considers whether the case that the foreign senior counsel is seeking admission for involved any legal practice prescribed under r 47(1) of the Legal Profession (Admission) Rules 2024. If so, the court must be satisfied that there was a special reason to admit the foreign senior counsel.

(c) Should the first two requirements be fulfilled, the court will then exercise its discretion to determine whether the foreign senior counsel should be admitted under s 15 of the LPA, having regard to the matters specified in para 3 of the Legal Profession (Ad Hoc Admissions) Notification 2012: (i) the nature of the factual and legal issues involved in the case; (ii) the necessity for the services of a foreign senior counsel; (iii) the availability of any senior counsel or other advocate and solicitor with appropriate experience; and (iv) whether, having regard to the circumstances, it is reasonable to admit the foreign senior counsel for the purpose of the case.[348]

22.142 In the present case, the first two limbs of the framework were satisfied.[349] The court therefore focused on how it should then exercise its discretion under the third limb of the framework.[350] However, the

345 [2025] 3 SLR 1446.
346 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [3].
347 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [30].
348 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [31].
349 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [32]–[36].
350 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [37].

issues on appeal were not so novel or complex that they were beyond the competence of local counsel.[351] The applicant considered its local counsel to be sufficiently capable and competent[352] and the necessity of admitting foreign senior counsel was less apparent as he could assist with the preparation of written submissions in an appeal.[353] Further, the applicant had not taken sufficient steps to instruct any other senior local advocate with the appropriate experience.[354]

22.143 It was therefore not reasonable to admit the foreign senior counsel,[355] especially in light of a policy consideration: the mere fact that local counsel was unsuccessful in the first instance proceedings cannot justify the need to admit foreign senior counsel, as it could give rise to a wholly undesirable perception that local counsel may not be sufficiently competent to represent their clients in an appeal.[356] The application was dismissed with costs.

22.144 It pleases this author to end off this review on what he considers to be a positive note for the profession: the court's affirmation of the quality of local counsel and the notion that local counsel should always be the first port of call for advocacy before the Singapore courts (whether appellate or otherwise).

351 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [38]–[44].
352 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [46]–[51].
353 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [52].
354 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [53]–[57].
355 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [58]–[59].
356 *Re Smith, Tom KC* [2025] 3 SLR 1446 at [60].