DT/17/2023

IN THE MATTER OF JOHN LIM KWANG MENG

(AN ADVOCATE AND SOLICITOR)

AND

IN THE MATTER OF SIA DEWEI, ALVIN

(AN ADVOCATE AND SOLICITOR)

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT

(CAP. 161)

REPORT OF THE DISCIPLINARY TRIBUNAL

Disciplinary Tribunal:

Mr Goh Phai Cheng, S.C.
Mr K. Anparasan

Counsel for the Law Society	**Counsel for the 1st Respondent**	**Counsel for the 2nd Respondent**
Mr Zhuo Jiaxiang Ms Bestlyn Loo	Mr Daniel Chia Mr Kieran Pillay	Mr Chooi Jing Yen Ms Claire Chong
Providence Law Asia LLC	**Coleman Street Chambers LLC**	**Chooi Jing Yen LLC**
1 Raffles Place One Raffles Place Tower 2 #29-62 Singapore 048616 Ref: JX/BL/23141	77 High Street High Street Plaza #03-13/14 Singapore 179433 Ref: DC/TEL/202100329-el	1 North Bridge Road High Street Centre #08-08 Singapore 179094 Ref: D-23-004

Dated this 29th day of September 2025

I. INTRODUCTION

1. The Complainants are Mr William Cheng ("**1st Complainant**") and Invoice Factoring LLP ("**2nd Complainant**"). The 1st Complainant is a partner in the 2nd Complainant.

2. The 1st Respondent is Mr John Lim Kwang Meng ("**1st Respondent**"). The 1st Respondent was admitted to the roll of advocates and solicitors of the Supreme Court of Singapore in 2008. The 1st Respondent was at all material times the Managing Partner of LIMN Law Corporation (the "**Firm**").

3. The 2nd Respondent is Mr Sia Dewei, Alvin ("**2nd Respondent**"). The 2nd Respondent was admitted to the roll of advocates and solicitors of the Supreme Court of Singapore in August 2016. The 2nd Respondent was at the material time a Senior Associate of the Firm.

4. The 1st Complainant filed a complaint to the Law Society on 1 November 2022 against the Respondents (the "**Complaint**"). The Complaint raises two separate heads of complaint, which relate to two different sets of proceedings in the High Court.

5. The Disciplinary Tribunal was appointed by The Honourable Chief Justice on 3 November 2023.

6. The DT hearing was held over five days on 6 March 2024, 16 August 2024, 6 September 2024, 8 November 2024, and 25 November 2024.

II. KEY BACKGROUND FACTS IN RELATION TO THE 1ST HEAD OF COMPLAINT

7. The first head of complaint relates to proceedings in respect of a Mareva Injunction application (*i.e.*, HC/SUM 1603/2019 ("**SUM 1603**")) in HC/S 437/2017 ("**Suit 437**").

8. The Respondents acted for the Plaintiff in Suit 437. The 1st Complainant was the Defendant in Suit 437, and a Litigant in Person. The Plaintiff filed SUM 1603 on 28 March 2019.

9. SUM 1603 was heard by the Honourable Justice Lee Seiu Kin ("**Justice Lee**") on 30 April 2019. The 1st Complainant and his wife (i.e. Ms Nyioh Chew Hong ("**Winnie**")) attended the hearing in person. Justice Lee directed the 1st Complainant to file and serve a reply affidavit by 21 May 2019, and adjourned the matter.

10. The 1st Complainant subsequently filed a reply affidavit on 14 August 2019 in respect of SUM 1603 (the "**Reply Affidavit**"). A substantive hearing was then fixed on 12 September 2019 at 10am, in Chamber 4D of the Supreme Court (the "**Hearing**") before Justice Lee.

11. The crux of the first head of complaint pertains to the parties' account of the events that occurred on the day of the Hearing.

12. The 1st Complainant's account of the events on the day of the Hearing is diametrically opposed to the Respondents' accounts.

13. According to the 1st Complainant:

    a. The 1st Complainant and Winnie arrived at the Supreme Court sometime before 9.30am and had arrived before the scheduled hearing time.

    b. The 1st Complainant attempted to enter Chamber 4D, but it was locked. He then spoke to the court orderly and was instructed to wait outside.

    c. At around 10am, the 1st Complainant saw the Respondents outside Chamber 4D and attempted to follow them in.

    d. As the 1st Complainant approached the entrance to Chamber 4D, he was informed by the 1st Respondent that he and Winnie should wait outside Chamber 4D as the Respondents were going to address the Court on another matter (the "**Alleged Conversation**").

    e. Whilst the 1st Complainant and Winnie waited outside Chamber 4D, the Respondents appeared before Justice Lee for the Hearing. While waiting

outside the chambers, the 1st Complainant obtained queue tickets time-stamped 10:06:29, 10:06:57, 10:07:37 (the "**Queue Tickets**").

f. The 1st Complainant and Winnie waited for over half an hour in the waiting area of Chamber 4D. They were then called into Chamber 4D at around 10.50am. They were informed by Justice Lee that the Hearing in respect of SUM 1603 had concluded, and the Mareva Injunction had been granted.

g. The 1st Complainant subsequently filed an application in HC/SUM 6136 ("**SUM 6136**") to set aside the Mareva Injunction, on the grounds that the Respondents had obtained the Mareva Injunction through deception, abuse of process and/or failure to give full and frank disclosure. SUM 6136 was heard on 13 February 2020 before Justice Lee, who set aside the Mareva Injunction.

14. According to the 1st Respondent:

a. On the day of the Hearing, the Respondents arrived outside Chamber 4D at around 9.55am but did not see the 1st Complainant or Winnie at any time prior to the Respondents entering chambers. The Respondents were admitted into Chamber 4D at approximately 10am or just before 10am.

b. The 1st Respondent introduced parties and informed Justice Lee that the 1st Complainant was not present. Justice Lee indicated that they should wait

for the 1st Complainant. As the 1st Complainant did not appear, Justice Lee proceeded with the Hearing. The hearing commenced at about 10.10am.

c. Neither he nor the 2nd Respondent left Chamber 4D until the hearing ended.

d. At the Hearing, Justice Lee did not specifically mention that the Hearing would proceed *ex parte*, nor did he use the words "*ex parte*".

e. The 1st Respondent had assumed that the Hearing could not be an *ex parte* hearing and had believed that SUM 1603 was proceeding on an *inter partes* basis and that the parties (including Justice Lee) knew of the same.

f. The 1st Complainant and Winnie entered Chamber 4D, at or around 10.50am, only after the Hearing had concluded.

g. At no time did the 1st Complainant, after entering Chamber 4D, inform Justice Lee that the 1st Respondent had prevented the 1st Complainant and Winnie from entering Chamber 4D as alleged.

15. The 2nd Respondent's account in this regard largely mirrors the 1st Respondent's.

III. KEY BACKGROUND FACTS IN RELATION TO THE 2ND HEAD OF COMPLAINT

16. The 2nd Complaint relates to a separate set of proceedings in HC/S 1240/2018 ("**Suit 1240**"). The Respondents acted for the 1st, 2nd, 3rd and 4th Defendants in Suit 1240. The 1st Complainant was the 5th Defendant. The 2nd Complainant was the Plaintiff.

17. The following costs orders amounting to $10,000 were made against the 2nd Complainant (the "**Outstanding Costs Orders**"):

    a. In HC/SUM 1490/2019, the 2nd Complainant (i.e. the Plaintiff in Suit 1240) was ordered to pay costs of $4,000 to the 2nd Defendant;
    b. In HC/SUM 1662/2019, the 2nd Complainant was ordered to pay costs of $3,000 to the 4th Defendant; and
    c. In HC/SUM 1663/2019, the 2nd Complainant was ordered to pay costs of $3,000 to the 3rd Defendant.

18. Subsequently, on 2 October 2019, the 2nd, 3rd and 4th Defendants filed separate applications in HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019 respectively to dismiss Suit 1240 and, alternatively, for the 2nd Complainant to provide security for costs of $10,000 each to the 2nd, 3rd and 4th Defendants (the "**Dismissal Applications**").

19. The Dismissal Applications were heard before the learned Assistant Registrar David Lee (as he then was) on 30 October 2019 ("**SAR Lee**"). The 2nd Respondent attended the hearing alone on behalf of the 1st, 2nd, 3rd and 4th

Defendants. Mr Pillai Subbiah of Messrs Tan & Pillai appeared on behalf of the 2nd Complainant.

20. AR Lee declined to grant the Dismissal Applications. The 2nd Respondent sought $10,000 as security for costs for his clients on the basis of the Outstanding Costs Orders. AR Lee then directed that "*[2nd Complainant] to make payment of outstanding costs of $10,000 to be paid to the Defendants by 7 November 2019 4pm. Defendant's Counsel to take instructions on whether Defendant is inclined to withdraw the applications, save as to costs.*"

21. On 5 November 2019, the Respondents sent a letter to Messrs Tan & Pillai (the "**5 Nov 2019 Letter**"). The letter states at paragraphs 2 and 3 as follows:

> "2. We refer to the hearing before the Learned Assistant Registrar David Lee on 30 October 2019, in which your clients were directed to repay interlocutory costs of $30,000 to our clients by 7 November 2019, being $10,000 each to the 2nd, 3rd and 4th Defendants.
>
> 3. Accordingly, please provide to us three (3) separate cheques of $10,000 drawn in favour of "LIMN Law Corporation" on behalf of our clients, failing which our clients reserve their rights to obtain an order in terms of their respective applications at the upcoming hearing on 12 November 2019."

22. On 4 September 2020, the 2nd Respondent and the 1st Complainant appeared before AR Lee at a pre-trial conference. AR Lee directed the Respondents to

write to the 1st Complainant with respect to the outstanding interlocutory costs in respect of Suit 1240.

23. On 9 September 2020, the Respondents wrote to the 1st Complainant providing a breakdown of outstanding interlocutory costs in respect of Suit 1240 (the "**9 Sep 2020 Letter**"). The said breakdown is set out in Annexure C of the 9 Sep 2020 Letter.

24. It was stated in the 9 Sep 2020 Letter that the Respondents' clients (*i.e.*, the Plaintiff in Suit 437 and the 1st to 4th Defendants in Suit 1240) would be "*amenable to mediation for both aforementioned suits, on condition that interlocutory costs of $30,000 arising from HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019, are repaid to the 2nd to 4th Defendants in suit HC/S 1240/2019*".

25. At the pre-trial conference on 30 September 2020, AR Lee noted that he did not make any costs orders at the hearing on 30 October 2019.

IV. CHARGES IN RELATION TO THE 1ST HEAD OF COMPLAINT

26. With respect to the 1st Respondent, the Law Society has formulated the following charges:

1st Charge against the 1st Respondent

"You, John Lim Kwang Meng, an Advocate and Solicitor of the Supreme Court, are charged for breach of Rule 8(3) of the Legal Profession (Professional Conduct) Rules 2015, in that on 12 September 2019, at or about 10am, outside Chamber 4D of the Supreme Court, 1 Supreme Court Lane, Singapore, you did take unfair advantage of the 1st Complainant and act in a deceitful manner toward the 1st Complainant by preventing him from entering Chamber 4D for the hearing of HC/SUM 1603/2019 on the false pretext that you needed to address the Court on another matter, and are thereby guilty of improper conduct in the discharge of your professional duty under section 83(2)(b) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

2nd Charge against the 1st Respondent

"You, John Lim Kwang Meng, an Advocate and Solicitor of the Supreme Court, are charged for breach of Rule 9(3)(b)(i) of the Legal Profession (Professional Conduct) Rules 2015, in that on 12 September 2019, at or about 10.10am, in Chamber 4D of the Supreme Court, 1 Supreme Court Lane, Singapore, did omit to disclose to the Honourable Justice Lee Seiu Kin ("Justice Lee") the 1st Complainant's involvement as a party to the proceedings in HC/SUM 1603/2019, or to refer Justice Lee to the 1st Complainant's affidavit affirmed on 14 August 2019 which had been filed in the proceedings, and are thereby guilty of improper conduct in the discharge of your professional duty under section 83(2)(b) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

Alternative Charge to 1st and 2nd Charges against the 1st Respondent

"You, John Lim Kwang Meng, an Advocate and Solicitor of the Supreme Court, by:

(i) Taking unfair advantage of the 1st Complainant and acting in a deceitful manner towards the 1st Complainant by preventing him from entering Chamber 4D for the hearing of HC/SUM 1603/2019 ("**SUM 1603**") on the false pretext that you needed to first address the Court on another matter; and

(ii) Omitting to disclose to the Honourable Justice Lee Seiu Kin ("**Justice Lee**") to the 1st Complainant's involvement as a party to the Complainant's affidavit affirmed on 14 August 2019 which had been filed in the proceedings;

are guilty of misconduct unbefitting of an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession under section 83(2)(h) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

27. With respect to the 2nd Respondent, the charges read as follows:

1st Charge against the 2nd Respondent

"You, Sia Dewei, Alvin, an Advocate and Solicitor of the Supreme Court, are charged for breach of Rule 9(3)(b)(i) of the Legal Profession (Professional Conduct) Rules 2015 in that on 12 September 2019, at or about 10.10am, in Chamber 4D of the Supreme Court, 1 Supreme Court Lane, Singapore, you did omit to disclose to Honourable Justice Lee Seiu Kin ("**Justice Lee**") the

Complainant's involvement as a party to the proceedings in SUM 1603, or to refer Justice Lee to the Complainant's affidavit affirmed on 14 Augst 2019 which had been filed in the proceedings, and are thereby guilty of improper conduct in the discharge of your professional duty under section 83(2)(b) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

Alternative Charge to 1st Charge against the 2nd Respondent

"You, Sia Dewei, Alvin, an Advocate and Solicitor of the Supreme Court, by omitting to disclose to Honourable Justice Lee Seiu Kin ("**Justice Lee**") the Complainant's involvement as a party to the proceedings in SUM 1603 or to refer Justice Lee to the Complainant's affidavit affirmed on 14 August 2019 which had been filed in the proceedings, are guilty of misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession under section 83(2)(h) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

V. PARTIES' SUBMISSIONS AND OUR FINDINGS IN RELATION TO 1ST HEAD OF COMPLAINT

(i) The Law Society's submissions

28. With respect to the 1st Charge against the 1st Respondent, the Law Society submits:

a. The 1st Complainant's account of the events should be preferred as it is "*corroborated in a material aspect by contemporaneous evidence*". The 1st Complainant's account was also consistent with the Setting Aside Affidavit and written submissions filed in respect of the SUM 6136 in which the 1st Complainant had stated that he had been waiting outside chambers at the time of the Hearing.

b. It is highly implausible that the 1st Complainant would have waited until 10.50am to enter Chamber 4D of his own accord. The 1st Complainant had testified that the Hearing was the most important application to him on that day given the potential consequence of his accounts being frozen.

c. The most reasonable explanation as to why the 1st Complainant would have waited over 40 minutes outside Chamber 4D before entering was that he had been told to do so.

d. Internal Whatsapp correspondence between the Respondents suggest that the 1st Respondent was, at the material time, aware and had remembered or believed that the 1st Complainant was outside Chamber 4D at the time of the Hearing.

e. The Respondents gave inconsistent evidence as to whether they had indeed entered Chamber 4D at 10am and waited 10 minutes for the 1st Complainant, or if the Hearing proceeded shortly after they entered the Judge's Chambers.

f. Section 83(2)(b) of the Legal Profession Act ("**LPA**") provides that due cause may be shown by proof that an advocate and solicitor has been guilty of such breach of "any usage or rule of conduct made by the Professional Conduct Council under section 71 or by the Council under the provisions of [the] Act", as amounting to improper conduct or practice as an advocate and solicitor. Rule 8(3)(b) of the Legal Profession (Professional Conduct Rules) 2015 ("**PCR**") provides that a legal practitioner must not act towards any person in a way which is fraudulent, deceitful or otherwise contrary to the legal practitioner's position as a member of an honourable profession.

g. The decision of *Law Society of Singapore v Nor'ain bte Abu Bakar and others* [2009] 1 SLR(R) 753 ("**Nor'ain**") was cited for the proposition that an advocate and solicitor will be held to have acted fraudulently or deceitfully if he has acted with the intention that some person be deceived and, by means of such deception, that either an advantage should accrue to him or his client, or injury, loss or detriment should befall some other person or persons.

h. The 1st Complainant had taken his lawyers' advice (and was justified in doing so) not to highlight the Alleged Conversation in the Setting Aside Affidavit for SUM 6136.

i. The 1st Respondent did not cross-examine the 1st Complainant as to why he had not raised the Alleged Conversation to Justice Lee after entering

Chamber 4D. It would therefore be improper for the 1st Respondent to suggest that the 1st Complainant's purported omission to mention the said alleged conversation undermines the latter's credibility or account. This issue was also never tested in cross-examination in this proceeding.

29. With respect to the 2nd Charge against the 1st Respondent and 1st Charge against the 2nd Respondent, the Law Society submits:

a. The basis of these charges is the Respondents' failure, at the Hearing, to refer Justice Lee to the 1st Complainant's involvement as a party to the proceedings in SUM 1603 and to draw Justice Lee's attention to the Reply Affidavit.

b. The Respondents had breached Rule 9(3)(b)(i) of the PCR which provides that when conducting proceedings before a court or tribunal, a legal practitioner must disclose to the court or tribunal, and to every other person involved in or associated with these proceedings every fact, item of evidence, item of information and other matter which the legal practitioner is required by law to disclose in these proceedings to the court or tribunal and to that other person, respectively.

c. The fact that SUM 1603 was proceeding *inter partes* was a material fact that the Respondents should have been drawn to Justice Lee's attention at the Hearing. The fact that Justice Lee had proceeded with the Hearing without the 1st Complainant being present ought to have raised in the

Respondents' mind as to whether Justice Lee knew that the matter was *inter partes*. The fact that Justice Lee had directed the filing of the Reply Affidavit at the earlier hearing on 30 April 2019 did not relieve the Respondents from their duty as counsel to highlight material facts to the court.

d. Citing *Nor'ain*, the Respondents had failed to fulfil their duty as lawyers to point out material facts to the court, and an intention to deceive need not be present to constitute grossly improper conduct.

e. Commentary by the learned author of Legal Profession (Professional Conduct) Rules 2015 at [09.905] to [09.906] was also referred to for the proposition that "the term "law"... should be given an expansive meaning so as to include all regulatory requirements whether or not they are set out in legislation or case law".

f. The Notes of Argument and Justice Lee's findings in SUM 6136 establish beyond reasonable doubt that the Respondents did not draw Justice Lee's attention to the Reply affidavit at the Hearing. Justice Lee had made the unequivocal finding in respect of SUM 6136 that "*counsel did not refer to the affidavit filed by the Defendant*".

g. The case of *Law Society of Singapore v Seah Zhen Wei Paul and another matter* [2024] ("**Seah Zhen Wei Paul**") 5 SLR 915 was cited for the proposition that the Court's minute sheet and grounds of decision can constitute proof of relevant facts and be admissible.

h. The Notes of Argument and Justice Lee's findings in SUM 6136 should be accepted as evidence of the fact that the Respondents did not point out the *inter partes* nature of the Hearing to the court.

i. The 1st Respondent accepted under cross-examination that he did not dispute anything in the Notes of Argument.

j. The 1st Respondent had resiled from his earlier admission by stating that reference was made to the Reply Affidavit during the 1st Respondent's oral admissions before Justice Lee at the Hearing. The 1st Respondent had also conceded under cross-examination that the Respondents' internal court attendance notes did not contain any express reference to the Reply Affidavit.

k. There is no evidence in either the Notes of Argument or the Respondents' own court attendance notes that the Respondents had referred Justice Lee to the Reply Affidavit.

l. The 1st Respondent's reliance on the court's acknowledgment of receipt of the 2nd supplementary bundle of affidavits is misplaced. A judicial officer's having access to the relevant documents does not *ipso facto* mean that the court could or should have checked the documents to ascertain the truth of the application.

m. At the Hearing, Justice Lee had also posed a question to the Respondents pertaining to the valuation of property. The Respondents were under a duty to provide a full and accurate response with reference to the Reply Affidavit. While the 1st Respondent did not explicitly misstate any information in his response to the court, his unqualified affirmation of Justice Lee's misimpression resulted in the court forming an incomplete view of the value of the property.

n. It was no defence for the 2nd Respondent to claim that he was not permitted to speak at the Hearing in his capacity as assisting counsel. The 2nd Respondent was at the material time under a duty to apprise the court of material facts. The constraints imposed by the Supreme Court Practice Directions 2013 (i.e. sub-paragraphs 19(1) and (2)) ("**SCPD 2013**") do not provide a basis for the 2nd Respondent's omission to highlight the 1st Complainant's involvement in the proceeding or to refer Justice Lee to the Reply Affidavit.

30. With respect to the alternative charges to the 1st and 2nd Charges against the 1st Respondent and the alternative charge to the 1st Charge against the 2nd Respondent, the Law Society submitted that the same have been made out. The *Law Society of Singapore v Ezekiel Peter Latimer* [2019] 4 SLR 1427 was cited for the proposition that the relevant test is whether reasonable people, on hearing what the solicitor had done, would have said without hesitation that as a solicitor he should not have done it.

31. The Law Society submitted that a reasonable person in the Respondents' position should not (a) prevent a litigant-in-person from entering chambers in the manner described by the 1st Complainant and (b) fail to disclose material information relating to the 1st Complainant's involvement and his Reply Affidavit at the Hearing, with such conduct constituting conduct unbefitting an advocate and solicitor under section 83(2)(h) of the LPA.

32. With respect to the 1st Respondent's allegation that the 1st Complainant bore a personal grudge against him and had a motive to falsely implicate him, the Law Society submitted that the complaint made by the 1st Complainant was *bona fide*. The 1st Respondent's allegation in this regard was not supported by evidence and also does not establish any motive on the 1st Complainant's part to falsely implicate the 1st Respondent.

(ii) <u>The 1st Respondent's submissions</u>

33. The 1st Respondent submits:

a. The was a lack of *bona fides* in the 1st Complainant's complaint against him. The 1st Complainant had a motive to falsely implicate the 1st Respondent, referring to, *inter alia*, the 1st Complainant's history of levelling abuse and harassing members of LIMN Law.

b. Both Respondents gave consistent evidence in their respective AEICs and during cross-examination that they did not see the 1st Complainant, let alone speak to him, prior to entering Chamber 4D on the day of the Hearing.

c. Other than evidence from the 1st Respondent, there is no other evidence adduced to support the allegation that the 1st Respondent had prevented the 1st Complainant from entering Chamber 4D.

d. The Queue Tickets show that the 1st Complainant was present in court at the day of the Hearing. However, they do not prove that the 1st Complainant and the 1st Respondent met outside Chamber 4D prior to the Hearing or that the Alleged Conversation did take place.

e. The Alleged Conversation was not mentioned in the 1st Complainant's Setting Aside Affidavit or written submissions filed in support of SUM 6136. It was not mentioned at all in the Setting Aside Affidavit that the 1st Respondent had told the 1st Complainant not to enter Chambers 4D – it was only stated that the 1st Complainant had been outside the Chambers at the time the Hearing took place. The 1st Complainant's omission in this regard is an afterthought as such evidence is extremely relevant and the 1st Complainant was also represented by counsel.

f. By the 1st Complainant's own evidence, it was the Court orderly and not the 1st Respondent who had prevented the 1st Complainant from entering Chamber 4D.

g. The internal WhatsApp correspondence between the Respondents were exchanged in response to the 1st Complainant's allegations in his Setting Aside Affidavit and they do not prove that the 1st Respondent had remembered or believed that the 1st Complainant was outside Chamber 4D during the Hearing, or that the Alleged Conversation took place.

h. LIMN Law's internal court attendance note of the Hearing (the authenticity of which is not disputed by the Law Society) also contradicts the 1st Complainant's allegation that he was prevented by the 1st Respondent from entering Chamber 4D. According to the said internal court attendance note, the 1st Complainant apologised to Justice Lee for being late the moment he entered Chamber 4D at around 10.51am. If the 1st Complainant's allegation that he had been prevented from entering Chamber 4D were true, there would have been no need to apologise, and he would have informed Justice Lee of the Alleged Conversation. There is also no contemporaneous record of the 1st Complainant mentioning the Alleged Conversation to Justice Lee and/or his solicitors.

i. The 1st Respondent laboured under an erroneous understanding of the term "*ex parte*" at the relevant time and had no intention to mislead the court.

j. There is no specific legal requirement or duty for the 1st Respondent to disclose the 1st Complainant's involvement in SUM 1603 or to refer Justice Lee to the Reply Affidavit.

k. As SUM 1603 had become *inter partes* at the time of the Hearing, the 1st Respondent's obligations as counsel in an *ex parte* hearing did not arise. Regardless whether the Hearing was heard *ex parte* or *inter partes,* the 1st Respondent had a duty to make full and frank disclosure to the court.

l. There was no reason to think that Justice Lee was unaware of the 1st Complainant's involvement in SUM 1603 or the Reply Affidavit. The 1st Respondent therefore had no duty to further inform Justice Lee of the 1st Complainant's participation in SUM 1603.

m. The 1st Respondent did not omit to disclose the 1st Complainant's involvement or to refer to the Reply Affidavit during the Hearing. The 1st Respondent had made reference to the 1st Complainant during the Hearing and had also apprised Justice Lee that his Honour had asked questions regarding the 1st Complainant's assets at the hearing on 30 April 2019. LIMN Law's internal notes recorded that the 1st Respondent referenced the Reply Affidavit.

n. The fact that a final affidavit (which would not be necessary in an *ex parte* application) had been filed by the Plaintiff in SUM 1603, which was referred to at the Hearing, would have apprised Justice Lee of the *inter partes* nature of the Hearing. A final affidavit would not be necessary in an *ex parte* application.

o. The Notes of Argument and Justice Lee's findings in SUM 6136, while relevant and admissible, are not conclusive and binding on the DT (see *Seah Zhen Wei Paul* at [57]).

p. The Alternative Charge to the 1st and 2nd Charges against the 1st Respondent are framed in a conjunctive manner. Therefore, the Law Society must prove both limbs of the alternative charge in order for it to be made out.

q. The 1st Respondent denies any breach of section 83(2)(h) of the LPA.

(iii) <u>The 2nd Respondent's submissions</u>

34. The 2nd Respondent submits:

a. By the time of the Hearing on 12 September 2019, SUM 1603 had transformed into an *inter partes* application.

b. The 2nd Respondent had reason to believe that Justice Lee was aware of the *inter partes* nature of the Hearing (ie, the 1st Complainant's participation in the proceedings) and the Reply Affidavit. It was Justice Lee who had directed, after having heard from the 1st Complainant at the hearing on 30 April 2019, that SUM 1603 be heard on an *inter partes* basis. At the Hearing itself, Justice Lee and the Respondents waited for 10 minutes for the 1st Complainant to be present before Justice Lee decided to proceed with the

Hearing at around 10.10am when the 1st Complainant failed to appear. It cannot be disputed that the Hearing did not begin until 10.10am.

c. As the Hearing had transformed into an *inter partes* application by the time of the Hearing (which is the Law Society's case), the Respondents were not required by law to make full and frank disclosure of material facts and possible defences to the court to the standard required in an *ex parte* application.

d. While it is not disputed that the Respondents did not point out the *inter partes* nature of the Hearing to Justice Lee, the 1st Respondent did refer to the Reply Affidavit at the Hearing.

e. As the present proceedings are *de novo*, the DT is entitled to reach its own conclusions on the evidence before it and is not bound by the court's Notes of Argument in respect of the Hearing or Justice Lee's findings in respect of SUM 6136.

f. The 1st Respondent had made specific references to the final affidavit filed by the Plaintiff at the Hearing. This implies the existence of a prior response affidavit from the 1st Complainant i.e. the Reply Affidavit.

g. It is unclear whether the words "*ex parte*" recorded by Justice Lee in the Notes of Argument in respect of the Hearing was meant to simply to reflect

the 1st Complainant's physical absence at the Hearing, or to reflect what Justice Lee thought was the nature of the application.

h. The 2nd Respondent's understanding was that Justice Lee had decided to proceed with the Hearing in the absence of the 1st Complainant and Winnie, and not because their absence was a given due to SUM 1603 having been taken out *ex parte*.

i. It never occurred to the 2nd Respondent that it would be necessary to remind Justice Lee of the 1st Complainant's participation and to draw Justice Lee's attention specifically to the Reply Affidavit.

j. The 2nd Respondent did not mislead Justice Lee either passively or actively.

k. The 2nd Respondent was legally prevented from speaking over the 1st Respondent at the Hearing. The 2nd Respondent attended the Hearing in the capacity as assisting counsel to the 1st Respondent. The 1st Respondent was the lead counsel. No application had been made to the court for the 2nd Respondent to address Justice Lee on any issue at the Hearing. It was the 1st Respondent's obligation to have apprised Justice Lee of the 1st Complainant's participation and the Reply Affidavit. The 2nd Respondent was therefore constrained by paragraph 19 of the SCPD 2013, pursuant to rule 9(1)(f) of the PCR.

l. SCPD 2013 would have prevented the 2nd Respondent from directly addressing Justice Lee at the Hearing – the 2nd Respondent would still have been bound by the SCPD 2013 regardless whether he knew of the same or thought that the 1st Respondent was in breach of duty to the court.

m. The 2nd Respondent would have breached paragraphs 19(1) and 19(4) of the SCPD 2013 by speaking at the Hearing. Even if permission had been sought and obtained for the 2nd Respondent to address the court at the Hearing, paragraph 19(3) of the SCPD 2013 would not have allowed the 2nd Respondent from revisiting any ground already covered by the 1st Respondent – the 1st Respondent had testified that he did refer to the Reply Affidavit.

n. With respect to the 1st Charge against the 2nd Respondent, the Law Society's case would essentially require the 2nd Respondent to breach SCPD 2013 and assumes that rule 9(3)(b)(i) of the PCR takes precedence over rule 9(1)(f) of the PCR. Rule 9(3)(b)(i) of the PCR is also circumscribed by what a legal practitioner is required by law to disclose.

o. With respect to the alternative charge to the 1st Charge against the 2nd Respondent, it does not rely on breach of the PCR but is premised on the "catch-all" provision under section 83(2)(h) of the LPA which must give way to the specific directions in the SCPD 2013.

(iv) **Our Findings**

1st Charge against the 1st Respondent

35. We find that the 1st Charge against the 1st Respondent is not made out.

36. We do not accept the 1st Complainant's evidence that the Alleged Conversation took place.

37. During the hearing on 16 August 2024, the Tribunal heard evidence regarding the 1st Complainant's litigation history, with particular reference to the Agreed Bundle of Documents at 6AB-134 to 6AB-137. The 1st Complainant was cross-examined about his involvement in a substantial number of legal proceedings over the years, including an action brought against his former legal representatives.

38. The Tribunal notes that the 1st Complainant has been involved in a wide range of litigation matters, both as a party (with legal representation) and as a litigant in person. There is also evidence of an earlier instance where the 1st Complainant has pursued claims against his own lawyers.

39. While the mere fact of having a lengthy litigation history is not, by itself, determinative of credibility, the Tribunal considers that the breadth and nature of the 1st Complainant's litigation background is a relevant contextual factor in assessing his evidence. Having reviewed the manner in which the 1st

Complainant's addressed questions about his past litigation, the Tribunal is left with some reservations as to the reliability of his testimony and evidence.

40. While the 1st Complainant's evidence suggests that is *plausible* that the Alleged Conversation took place, we do not think that it has been proven beyond reasonable doubt that the Alleged Conversation did in fact take place and that the 1st Respondent had prevented the 1st Complainant from entering Chamber 4D. On the contemporaneous evidence before the Tribunal, we were inclined to accept the Respondents' account of the events on the day of the Hearing. We explain below.

41. Firstly, the 1st Complainant's response and behaviour when he had entered Chamber 4D at around 10.50am on the day of the Hearing raises considerable doubts about the 1st Complainant's account of the events.

42. By the 1st Complainant's own evidence, he was called into Chamber 4D at around 10.50am (after the Hearing had concluded) and was informed of the outcome of the Hearing.[1] He then "tried to explain the situation" to Justice Lee. Crucially, it is the 1st Complainant's own submission that SUM 1603 was ***the most important*** application to him that day as the court could potentially order freezing his bank accounts.

43. There is no doubt that the allegations made by the 1st Complainant against the 1st Respondent in this regard are extremely serious in nature. Essentially, the 1st Complainant is alleging that he was deceived by a legal practitioner and was

[1] 1st Complainant's AEIC at [13]

deprived of his right to be heard by the court, which resulted in an adverse court order being made against him. It would be reasonable to expect a normal person in the 1st Complainant's position to have felt a sense of injustice and grievance about the circumstances in which he was in. Not only that, considering the 1st Complainant's familiarity with court process (his litigation history), surely this was a serious matter which he ought to have raised to Justice Lee if it did actually take place.

44. Leaving aside the issue as to the Court's understanding of the nature of the SUM 1603 at the time of the Hearing (*ie*, whether it was *inter partes* or *ex parte* in nature), we would have expected the 1st Complainant's immediate and instinctive response (as would a normal person in the same circumstances) to be to apprise Justice Lee of his account of his events i.e. the Alleged Conversation and that the 1st Respondent had prevented him from entering Chamber 4D.

45. From the court's Notes of Argument of the Hearing, there is no indication at all of any sign of protest by the 1st Complainant, or any mention of the Alleged Conversation or the 1st Complainant's account of the events prior to the Hearing. Given the severity of the 1st Complainant's allegations against the 1st Respondent (which suggest deceit on the part of a legal practitioner), we have no doubt that such allegations would have been recorded in the court's Notes of Arguments, if the 1st Complainant had in fact protested or highlighted the same to the court.

46. This is further corroborated by LIMN Law's internal court attendance note of the Hearing, which records the 1st Complainant's response as apologising to the Court when he first entered Chamber 4D. The internal court attendance note also does not contain any indication of the 1st Complainant highlighting to the court

the Alleged Conversation or the allegation that the 1st Complainant had been prevented by the 1st Respondent from entering Chamber 4D.

47. Further, the 1st Complainant's allegations were not included in his Setting Aside Affidavit. We found it difficult to accept that 1st Complainant's explanation for the omission (*ie*, he relied on his lawyers' advice at the material time). In our view, these are highly material facts (if true) which would support the 1st Complainant's case for the setting aside application. The 1st Complainant was represented by counsel for the setting side application in SUM 6136. Any competent counsel would have advised him to include these allegations in the 1st Complainant's Setting Aside Affidavit. This would also be a bare assertion as the 1st Complainant has also not adduced any evidence to show that he had indeed been advised by his lawyers at the material time to omit such allegations from the Setting Aside Affidavit. We therefore find that the 1st Complainant's allegations are likely untrue and not supported by any credible evidence before the Tribunal. For the avoidance of doubt, we do not make any finding as to whether the 1st Complainant had been advised by his counsel for the omission.

48. On the totality of the evidence before us, our view is that the Alleged Conversation, and the allegation that the 1st Respondent prevented the 1st Complainant from entering Chamber 4D, are mere afterthoughts and unsupported by evidence.

49. For the reasons above, our finding is that the 1st Charge (and the Alternative Charge to 1st Charge) against the 1st Respondent is not made out.

2nd Charge against the 1st Respondent

50. We find that that the 2nd Charge against the 1st Respondent is made out.

51. The issue is whether the 1st Respondent had failed to inform Justice Lee of the 1st Complainant's involvement as a party to SUM 1603 and failed to refer Justice Lee to the Reply Affidavit. On the contemporaneous evidence before the tribunal, our view is that the 1st Respondent failed to do so.

52. In our view, rule 9(3)(b)(i) of the PCR is engaged.

53. To begin with, we are unable to conclusively determine on the evidence before us whether there was indeed a 10-minute wait prior to the Hearing (which commenced at 10.10am) or whether Justice Lee had indeed directed to wait 10 minutes for the 1st Respondent.

54. We note that the words "*ex parte*" appear twice in the court's Notes of Argument. While we accept the 1st Respondent's submission that the Tribunal is not bound by the court's Notes of Argument in respect of the Hearing or Justice Lee's findings in respect of SUM 6136, our finding is that it is more likely than not that Justice Lee had specifically referred to the words "*ex parte*" at the start of the Hearing.

55. The 1st Respondent was duty bound as counsel to apprise the court of the 1st Complainant's involvement through the earlier hearing on 30 April 2019 (and the

court's directions at that hearing) and the 1st Complainant's filing of the Reply Affidavit, regardless of whether Justice Lee had specifically referred to the Hearing was proceeding *ex parte* or *inter partes*.

56. The fact that SUM 1603 was initially filed *ex parte* and the subsequent developments leading up to the Hearing are material facts that the 1st Respondent ought to have apprised the court. Even if there was reason to believe that Justice Lee was aware that the Hearing was proceeding *inter partes*, the 1st Respondent was still under a duty to make express reference to the 1st Complainant's involvement in SUM 1603 and the Reply Affidavit, given that these were significant developments and facts leading up to the Hearing. We had difficulty accepting the 1st Respondent's arguments which suggest that the court ought to have made such inferences by itself. The 1st Respondent cannot also assume that Justice Lee would have been aware of the 1st Complainant's involvement or that a reply affidavit has been filed.

57. We did not however think that there was an intention to deliberately mislead or to deceive the Court on the part of the 1st Respondent or the 2nd Respondent.

58. On the evidence, we find that the 1st Respondent did not make any express reference to 1st Complainant's involvement in the SUM 1603 nor the Reply Affidavit, and we were unable to accept the 1st Respondent's reasons for failing to do so.

59. For the reasons above, our finding is that the 2nd Charge against the 1st Respondent is made out.

60. We agree with the 1st Respondent's submission that the alternative charge to the 1st and 2nd Charges against the 1st Respondent are framed in a conjunctive manner. In light of our findings in relation to the 1st Charge against the 1st Respondent, we find that the alternative charge is not made out.

1st Charge (and alternative charge) against the 2nd Respondent

61. We find that the 1st Charge (and alternative charge) against the 2nd Respondent is not made out.

62. The crux of the 2nd Respondent's defence is that the Law Society's case against him would essentially have required the 2nd Respondent to breach the SCPD 2013 at the material time.

63. We accept the 2nd Respondent's defence that he was constrained by paragraph 19 of the SCPD 2013, pursuant to rule 9(1)(f) PCR. We did not think that it was incumbent on the 2nd Respondent to draw the Court's attention to the 1st Complainant's involvement or the Reply Affidavit at the Hearing, notwithstanding our findings *vis-à-vis* the 1st Respondent.

64. We took into consideration the fact that the 2nd Respondent was the 1st Respondent's assistant at the Hearing and was, at the material time, relatively

junior in experience with around 3 years of post-qualification experience. We also accept the 2nd Respondent's submission that there is an absence of guidance as to whether rule 9(3)(b)(i) of the PCR takes precedence over rule 9(1)(f) of the PCR.

65. Further, we did not think that the 1st Respondent's failure to expressly refer to the 1st Complainant's involvement and the Reply Affidavit were so egregious in nature that justified the 2nd Respondent breaching the SCPD 2013. An example would be lead counsel telling an outright lie to the court. In that situation, we think it would be justifiable and necessary for the 2nd Respondent as assisting counsel to speak over the 1st Respondent in order to fulfil his foremost duty as an officer to the Court.

66. For the reasons above, we find that the 1st Charge (and alternative charge) against the 2nd Respondent is not made out.

VI. CHARGES IN RESPECT OF THE 2ND HEAD OF COMPLAINT

67. With respect to the 1st Respondent, the charges read:

The 3rd Charge against the 1st Respondent

"You, John Lim Kwang Meng, an Advocate and Solicitor of the Supreme Court, are charged that you were in breach of Rule 9(1)(c) of the Legal Profession (Professional Conduct) Rules 2015 in that:

(i) on 5 November 2019, in Singapore, you were untruthful and inaccurate in communications with Messrs Tan & Pillai when you sent them a letter

dated 5 November 2019 asserting that Invoice Factoring LLP had been directed by AR David Lee on 30 October 2019 to pay interlocutory costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019, HC/SUM 5129/2019 to your clients by 7 November 2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng, when there had in fact been no such costs ordered by AR David Lee on 30 October 2019; and

(ii) on 9 September 2020, in Singapore, you were untruthful and inaccurate in your communications with the Complainant when you sent the Complainant a letter dated 9 September 2020, asserting at Annexure C of the said letter that Invoice Factoring LLP had been directed on 30 October 2019 to pay costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019, HC/SUM 5129/2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng for their respective applications to dismiss Suit 1240, when there had in fact been no such costs ordered on 30 October 2019,

and are thereby guilty of improper conduct in the discharge of your professional duty under section 83(2)(b) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

Amended Alternative Charge to the 3rd Charge against the 1st Respondent

"You, John Lim Kwang Meng, an Advocate and Solicitor of the Supreme Court, are charged that you were inaccurate and had failed to act with reasonable diligence in:

(i) your communications with Messrs Tan & Pillai when you sent them a letter dated 5 November 2019 asserting that Invoice Factoring LLP had been

directed by AR David Lee on 30 October 2019 to pay interlocutory costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019 to his clients by 7 November 2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng, when there had in fact been no such costs ordered by AR David Lee on 30 October 2019; and/or

(ii) your communications with the 1st Complainant when you sent him a letter dated 9 September 2020 asserting at Annexure C of the said letter that Invoice Factoring LLP had been directed on 30 October 2019 to pay costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng for their respective applications to dismiss Suit 1240, when there had in fact been no such costs ordered on 30 October 2019,

and are thereby guilty of professional misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession under section 83(2)(h) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

The 4th Charge against the 1st Respondent

"You, John Lim Kwang Meng, an Advocate and Solicitor of the Supreme Court, are charged that you were in breach of Rule 32 of the Legal Profession (Professional Conduct) Rules 2015 in that between 5 November 2019 to 9 September 2020, in Singapore, you failed to exercise proper supervision over the 2nd Respondent, who was your staff working under you in LIMN Law Corporation, thereby allowing the following letters to be sent out in both your names:

(i) a letter dated 5 November 2019 addressed to Messrs Tan & Pillai asserting that Invoice Factoring LLP had been directed by AR David Lee on 30 October 2019 to pay interlocutory costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019 to the Respondents' clients by 7 November 2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng, when there had in fact been no such costs ordered by AR David Lee on 30 October 2019; and

(ii) a letter dated 9 September 2020 addressed to the Complainant asserting at Annexure C of the said letter that Invoice Factoring LLP had been directed on 30 October 2019 to pay costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng for their respective applications to dismiss the Writ, when there had in fact been no such costs ordered on 30 October 2019,

and are thereby guilty of improper conduct in the discharge of your professional duty under section 83(2)(b) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

Alternative Charge to the 4th Charge against the 1st Respondent

"You, John Lim Kwang Meng, an Advocate and Solicitor of the Supreme Court, are charged that you, by failing to exercise proper supervision over the 2nd Respondent between 5 November 2019 to 9 September 2019 in the manner described in the preceding paragraphs, are guilty of misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession under section 83(2)(h) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

68. With respect to the 2nd Respondent, the charges are in the following terms:

2nd Charge against the 2nd Respondent

"You, Sia Dewei, Alvin, an Advocate and Solicitor of the Supreme Court, are charged for breach of rule 9(1)(c) of the Legal Profession (Professional Conduct) Rules 2015 in that you:

(i) on 5 November 2019, in Singapore, were untruthful and inaccurate in your communications with Messrs Tan & Pillai when you sent them a letter dated 5 November 2019 asserting that Invoice Factoring LLP had been directed by AR David Lee on 30 October 2019 to pay interlocutory costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019 to your clients by 7 November 2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng, when there had in fact been no such costs ordered by AR David Lee on 30 October 2019; and/or

(ii) on 9 September 2020, in Singapore, you were untruthful and inaccurate in your communications with the 1st Complainant when you sent the 1st Complainant a letter dated 9 September 2020 asserting at Annexure C of the said letter that Invoice Factoring LLP had been directed on 30 October 2019 to pay costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng for their respective

applications to dismiss Suit 1240, when there had in fact been no such costs ordered on 30 October 2019,

and are thereby guilty of improper conduct in the discharge of your professional duty under section 83(2)(b) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

Amended Alternative Charge to 2nd Charge against the 2nd Respondent

"You, Sia Dewei, Alvin, an Advocate and Solicitor of the Supreme Court, are charged that you were inaccurate and had failed to act with reasonable diligence in:

(i) your communications with Messrs Tan & Pillai when you sent them a letter dated 5 November 2019 asserting that Invoice Factoring LLP had been directed by AR David Lee on 30 October 2019 to pay interlocutory costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019 to your clients by 7 November 2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng, when there had in fact been no such costs ordered by AR David Lee on 30 October 2019; and/or

(ii) your communications with the 1st Complainant when you sent him a letter dated 9 September 2020 asserting at Annexure C of the said letter that Invoice Factoring LLP had been directed on 30 October 2019 to pay costs of $30,000 in respect of HC/SUM 5127/2019, HC/SUM 5128/2019 and HC/SUM 5129/2019, being $10,000 each to Tan Choon Kin, Lee Siow Hua and Lee Bee Eng for their respective applications to dismiss

Suit 1240, when there had in fact been no such costs ordered on 30 October 2019,

and are thereby guilty of misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession under section 83(2)(h) of the Legal Profession Act (Cap 161, 2009 Rev Ed)."

VII. PARTIES' SUBMISSIONS AND OUR FINDINGS IN RELATION TO 2ND HEAD OF COMPLAINT

(i) The Law Society's submissions

69. With respect to the 3rd Charge against the 1st Respondent and 2nd Charge against the 2nd Respondent, the Law Society submits:

a. The relevant rule is rule 9(1)(c) of the PCR, which provides that a legal practitioner must always be truthful and accurate in the legal practitioner's communications with any person involved in or associated with any proceedings before a court or tribunal.

b. For the charges to be made out, it must be proven beyond reasonable doubt that at the time the Respondents made the inaccurate statements, they had done so either knowingly, or without belief in its truth, or recklessly without caring whether it was true or false: *Law Society of Singapore v Udeh Kumar s/o Sethuraju and another matter* [2017] 4 SLR 1369.

c. The issue to be determined is whether the Respondents made inaccurate demands for costs knowingly, or without belief in the truth, or recklessly without caring whether the same were true or false.

d. The Law Society has proven beyond reasonable doubt that the 2nd Respondent knew or was reckless as to whether the demands for costs were false.

e. The 2nd Respondent knew at the material time that the demands for costs were false, or at minimum on his own evidence, was reckless as to whether the demands were true or false.

f. It was not believable that the 2nd Respondent could have genuinely misunderstood the nature and quantum of costs ordered at the hearing.

g. It was incumbent on the 2nd Respondent to apply for the notes of evidence.

h. In the present proceeding before the Tribunal, the 2nd Respondent had offered three explanations as to how the mistake could have come about. The three explanations could not co-exist.

i. With respect to the 1st Respondent, he was reckless as to whether the demands for costs were true or false. The 1st Respondent did not review the 2nd Respondent's work with care. A review of the email update to clients about the outcome of the dismissal application and the 2nd Respondent's

court attendance notes would have revealed the error. However, he had allowed the 2nd Respondent to set out the letters demanding for costs without verifying accuracy and this reflects a lack of due care.

j. The 1st Respondent had agreed under cross-examination that a plain reading of the email review of the client update would have made it clear that no orders had been made at the hearing, but it did not cross the 1st Respondent's mind there was a mistake in the email.

k. It was incumbent on the 1st Respondent as the named author of the letters and lead solicitor to understand the nature of the demands for costs that the 2nd Respondent as his junior was making on his behalf.

l. It is noted that the 2nd Respondent has pleaded guilty to the amended alternative charge to the 2nd Charge against the 2nd Respondent.

70. With respect to the 4th Charge and alternative charge to the 4th Charge against the 1st Respondent, the Law Society submits:

a. The relevant rule breached is rule 32 of the PCR, which provides that a legal practitioner must, regardless of the legal practitioner's designation in a law practice, exercise proper supervision over the staff working under the legal practitioner in the law practice.

b. The decision in *Law Society of Singapore v Tan Chwee Wan Allan* [2007] 4 SLR(R) 699 was relied on as authority for the proposition that a solicitor has a liability in conduct to ensure that the staff for whom he is responsible main adequate standards. It was the 1st Respondent's unyielding responsibility to ensure that the 2nd Respondent was properly instructed and adequately supervised.

c. The 1st Respondent had failed to exercise proper supervision over the 2nd Respondent. The mere fact that the 2nd Respondent was ordinarily competent does not absolve the 1st Respondent of his duty to supervise the 2nd Respondent's work.

d. On the facts, the 1st Respondent was expected to exercise a higher standard of supervision and vigilance over the 2nd Respondent. This was especially so given that the 2nd Respondent was only a junior lawyer of three years standing at the material time. The 1st Respondent's failure to even cross-check the 2nd Respondent's work in the circumstances constitutes inadequate supervision which fell below the standard expected of him as a senior legal practitioner and managing director.

e. There were at least eight opportunities within the one-year period that had elapsed between the Dismissal Applications and the Pre-Trial Conference on 30 September 2020 for the 1st Respondent to identify the error within the documented records and to rectify the error.

f. The 1st Respondent only became aware of the mistake regarding the costs orders after 30 September 2020 when the error was discovered by AR Lee which suggest that the 1st Respondent had completely abdicated his duty to supervise the 2nd Respondent's work.

g. There was a serious lack of supervision on the part of the 1st Respondent as the 2nd Respondent's mistake was not a one-off mistake. Such mistake was not one the 1st Respondent could claim to have missed by reason of being overseas at the time of the hearing for the Dismissal Applications.

(ii) <u>The 1st Respondent's submissions</u>

71. The 1st Respondent submits:

a. The 1st Respondent had no intention to include inaccurate information in the 5 Nov 2019 Letter and the 9 Sep 2020 Letter, which arose from an innocent mistake of the 2nd Respondent.

b. The 1st Respondent was not present at the hearing on 30 October 2019 as he was overseas. He could not have personally verified the accuracy of the 2nd Respondent's understanding of the directions made by SAR Lee at the hearing on 30 October 2019. The 1st Respondent could not have detected the errors in the two letters on his own and could only have depended on the court attendance notes of the hearing on 30 October 2019 taken by the 2nd Respondent to verify the accuracy of the contents of the letters.

c. The hearing on 30 October 2019 concluded at 7:36pm. The 2nd Respondent sent an email update to their clients at 9:30pm. The 1st Respondent was not given the opportunity to review the draft of the said email update. Therefore, he cannot be said to have failed in exercising due care in this regard.

d. The 2nd Respondent had testified that the 1st Respondent had neither prepared nor vetted the drafts of the 5 Nov 2019 Letter or the 9 Sep 2020 Letter.

e. The 1st Respondent rejects the Law Society's contention that the 1st Respondent's failure to be forwarded the said drafts for review constituted a "significant lapse of oversight amounting to recklessness". At the material time, the 2nd Respondent was a senior associate with LIMN Law and had 3 years of post-qualification experience whom the 1st Respondent deemed sufficiently competent and capable, and trusted to manage the hearing on 30 October 2019 and to prepare a simple letter of demand without supervision. As such, there was no reason for 1st Respondent not to trust the 2nd Respondent's understanding of SAR Lee's directions at the hearing on 30 October 2019, to check the 2nd Respondent's internal notes, or to cross-check the 2nd Respondent's email update to their clients against the same.

f. The absence of any review by the 1st Respondent of the 5 Nov 2019 Letter and the 9 Sep 2020 Letter did not constitute a breach of the 1st

Respondent's professional duty of supervision *vis-à-vis* the 2nd Respondent. The two letters did not involve complex issues or matter and were simply demands for sums due to LIMN Law's clients pursuant to the court orders (notwithstanding that the demands were based on the 2nd Respondent's erroneous understanding of the court orders).

g. The fact that the 1st Respondent did not review the 5 Nov 2019 Letter and the 9 Sep 2020 Letter did not mean that the 1st Respondent was careless, negligent or had acted without reasonably diligence. The drafts of the letters were not forwarded to the 1st Respondent, and he did not have the opportunity to detect the errors.

h. Messrs Tan & Pillai, who represented the Plaintiff, had also misunderstood SAR Lee's directions at the 30 October 2019 hearing and was under the impression that S$30,000 was due from the 2nd Complainant to the Respondents' clients in respect of Suit 1240.

i. It was reasonable to believe that the total costs payable could amount to S$30,000 given the numerous interlocutory applications since 2017. The 1st Respondent only came to be aware of the inaccuracies in the 5 Nov 2019 Letter and the 9 Sep 2020 Letter after the 2nd Respondent had attended the pre-trial conference on 30 September 2020 where SAR Lee clarified that the court did not make any costs orders at the 30 October 2019 hearing.

j. The 1st Respondent was not legally required to review and vet all documents prepared by the 2nd Respondent before submission. While a solicitor is permitted to delegate his duties (citing *Law Society of Singapore v Krishna Morthy S V* [2015] SGDT 7), the law requires a solicitor to put in place a system or procedure to exercise supervision over his delegates. The 1st Respondent also cited the decision in *The Law Society of Singapore v Singa Retnam* [2011] SGDT 3, where the tribunal held at [56] as follows:

> "Supervision, whether supervision of an employee's work or supervision over an employee, is a dynamic exercise. The dynamics of supervision would depend on the scope of work of the employee, his experience and qualification, the task assigned to the employee and the circumstances and antecedents known or which ought to be known to the employer which would reasonably be expected to affect the performance of the employee".

k. The 1st Respondent did not breach his duty to exercise proper supervision over the 1st Respondent. The firm did not have a practice which required the 1st Respondent to review and approve all of the 2nd Respondent's work products before the 2nd Respondent could issue or submit these works.

l. The absence of a practice by the 1st Respondent to review and approve all of the 2nd Respondent's work product before submission is not contrary to the legal and professional standards expected of the 1st Respondent. The law cannot impose a blanket obligation on the 1st Respondent to vet and

personally review every document drafted by the 2nd Respondent before the 2nd Respondent submits the documents as to do so would be unrealistically onerous and impractical. The standard required to supervise is dependent on the 2nd Respondent's general level of competence, complexity of the tasks at hand, and the monetary value involved.

m. With respect to 4th charge (and alternative charge), the 1st Respondent did not breach the duties expected of him *vis-à-vis* supervision of the 1st Respondent. The factors cited by the Law Society, including (a) the 2nd Respondent as a junior solicitor of only 3 years, (b) the firm having a heavy case load of approximately 100 new files with a team of only three lawyers including the Respondents, (c) the client matter in question concerned the 1st Complainant, (d) the 1st Respondent being aware of the 1st Complainant's animosity towards him since 2017 and (e) the 1st Respondent had observed that the 1st Complainant's mental condition appeared to be deteriorating did not warrant a closer level of supervision by the 1st Respondent.

n. There was nothing to put the 1st Respondent on notice that the costs order was incorrect.

(iii) <u>The 2nd Respondent's submissions</u>

72. The 2nd Respondent submits:

a. The 2nd Respondent accepts that he had failed to act with reasonable diligence in preparing and sending the 5 Nov 2019 Letter and the 9 Sep 2020 Letter. He denies that he had been deliberately untruthful or had acted recklessly. He has informed the Tribunal that he is prepared to plead guilty to the amended alternative charge to the 2nd Charge.

b. The 2nd Respondent attended the hearing alone on 30 October 2019 and was unable to take comprehensive notes. There was also no one with whom to cross-check the 2nd Respondent's understanding of what had transpired.

c. From the outset, the 2nd Respondent was labouring under a misunderstanding of what had transpired at the 30 October 2019 hearing and his subsequent conduct is consistent with the mistaken belief. He sent an email update to client at 9.30pm on the same day setting out his understanding of the Court's directions.[2]

d. There was no intention on the 2nd Respondent's part to be untruthful in issuing the 5 Nov 2019 Letter, which was based on the mistaken belief that SAR Lee made fresh costs orders in the sum of S$10,000 payable by the 2nd Complainant to each of the 2nd to 4th Defendants amounting to S$30,000).[3]

e. The certified Notes of Evidence of the 30 October 2019 hearing were not available at the time of drafting and sending the 5 Nov 2019 Letter and the

[2] Agreed Bundle of Documents, Vol. 5, pp 5AB-308 to 309
[3] 2nd Respondent's AEIC at [54]; 2nd Respondent's Defence at [17]

9 Sep 2020 Letter; they were not available to the 2nd Respondent until sometime after March 2023.[4]

i. The tribunal in *The Law Society of Singapore v Sham Chee Keat* [2018] SGDT 5 ("**Sham Chee Keat**") held that a solicitor's failure to accurately record events of a pre-trial conference was "simply human error" and did not by itself amount to a breach of the PCR. However the solicitor in *Sham Chee Keat* should have referred to the certified notes of evidence before allowing his client to sign the affidavit containing the false statement, and this was the basis for finding that he had "acted carelessly with insufficient professional diligence and competence".

f. It is an agreed fact that the proceedings in Suit 1240 "*were protracted and involved multiple interlocutory applications and pre-trial conferences*".[5]

g. There was nothing to put the 2nd Respondent on notice as to his mistaken belief as to what had transpired at the 30 October 2019 hearing. The events subsequent to the said hearing also reinforced the 2nd Respondent's mistaken belief. These events include the pre-trial conferences on 12 November 2019, 21 August 2020 and 4 September 2020, as well as various letters sent by the Respondents to Messrs Tan & Pillai where reference was made to the 2nd Respondent's mistaken belief. At no point did Messrs Tan & Pillai or the Court clarified the mistaken belief.

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[4] 2nd Respondent's AEIC at [38]
[5] Agreed Statement of Facts at paragraph 15

h. The Respondents did not receive a reply from Messrs Tan & Pillai in respect of the 5 Nov Letter. It appeared that Messrs Tan & Pillai had the same understanding as the 2nd Respondent regarding what had transpired at the 30 October 2019 hearing. At the subsequent pre-trial conference on 12 November 2019, neither the Court nor Mr Pillai Suppiah also contradicted or corrected the 2nd Respondent's mistaken belief as to the court's directions at the 30 October 2019 hearing when the 2nd Respondent read out the contents of the 5 Nov 2019 letter.

(iv) Our Findings

73. We find that the 3rd Charge (and the amended alternative charge) against the 1st Respondent are not made out.

74. The key issues are (i) whether the 1st Respondent acted knowingly, or without belief in the truth of the statements, or recklessly as to their accuracy in issuing the letters and (ii) alternatively, whether the 1st Respondent failed to act with reasonable diligence, falling short of the professional standards expected.

75. We first set out important factual findings. The first is the key circumstances surrounding the 5 Nov 2019 Letter and the 9 Sep 2020 Letter.

76. The 1st Respondent was not present at the hearing on 30 October 2019 as he was overseas. This is not disputed. The 2nd Respondent, a qualified lawyer with three years' experience, attended the hearing alone and was delegated the

responsibility for updating the clients and preparing the relevant correspondence. The letters in question asserted that a costs order had been made by the court, which was factually incorrect.

77. According to the 1st Respondent, he did not draft or review the 5 November 2019 and 9 September 2020 letters before they were issued; he also did not have an opportunity to review drafts of same before they were issued.

78. The 2nd Respondent's mistaken understanding of the court's directions at the hearing on 30 October 2019 was not corrected by the court or challenged by opposing counsel at any subsequent pre-trial conference or in correspondence until the hearing on 30 September 2020. In fact, the opposing solicitors appeared to share the same misunderstanding as to the existence of a costs order.

79. In our view, there is no evidence that the 1st Respondent was aware that the statements regarding the costs order in the 5 Nov 2019 and 9 Sep 2020 letters were inaccurate at the time the letters were sent.

80. The 1st Respondent's reliance on the 2nd Respondent was not unreasonable in the circumstances. The 2nd Respondent was a sufficiently experienced lawyer, and there were no prior indications of unreliability or incompetence that would have warranted closer scrutiny.

81. The Tribunal accepts the 1st Respondent's submission that the subject matter of the letters was not complex, and the 1st Respondent had no reason to suspect

that the 2nd Respondent's understanding of the court's directions at the 30 October 2019 hearing was mistaken.

82. The 1st Respondent's lack of personal review or verification of the letters, in the absence of any warning signs or specific reason for doubt, does not amount to recklessness or a disregard for the truth.

83. We accept that the law does not impose a blanket obligation on supervising solicitors to personally review every document prepared by a junior, particularly where the junior is experienced and the matter is routine in nature. We accept that the 1st Respondent's approach to delegation was consistent with accepted practice, and there was no systemic failure of supervision or evidence of neglect.

84. There was nothing in the circumstances that would reasonably have put the 1st Respondent on notice of the error in the letters. The misunderstanding persisted for an extended period, and neither the court nor opposing counsel raised any concerns until much later.

85. We are therefore satisfied that the 1st Respondent's conduct did not fall below the standard of reasonable diligence expected in the profession.

86. In our view, a finding of professional misconduct, particularly under Rule 9(1)(c) of the PCR, requires clear evidence of dishonesty, recklessness, or a marked departure from professional standards.

87. The present facts are distinguishable from cases where a solicitor has ignored clear warning signs or failed to supervise in the face of obvious risk. In the present case, the 1st Respondent's reliance on a competent junior, in the absence of any red flags, was not improper. We are also mindful that disciplinary proceedings are not to be used to impose unrealistic or overly onerous standards of supervision that are disconnected from the realities of legal practice.

88. Having considered the evidence and the parties' submissions, we find that there is no basis to conclude that the 1st Respondent acted dishonestly, without belief in the truth of the statements, or recklessly as to their accuracy *vis-à-vis* the contents of the 5 Nov 2019 and 9 Sep 2020 letters. The 3rd Charge is therefore not made out.

89. We also find that the 1st Respondent did not fail to act with reasonable diligence in the circumstances. The amended alternative 3rd Charge is likewise not made out.

90. We find that the 4th Charge (and the alternative charge) against the 1st Respondent are not made out.

91. Rule 32 of the PCR requires a legal practitioner to exercise proper supervision over staff working under them. The standard is not absolute and must be assessed in context, taking in consideration factors including the experience of the subordinate, the complexity of the matter, and the systems in place at the

firm. The law recognises that delegation is permissible, but overall responsibility for supervision remains with the supervising solicitor.

92. The Tribunal notes that the 2nd Respondent was not a trainee or newly qualified lawyer, but a senior associate with three years' professional qualification experience at the material time. We accept the 1st Respondent's evidence and submission that he had no prior reason to doubt the 2nd Respondent's reliability or competence that required heightened supervision for routine correspondence. The letters in question were not complex and fell within the 2nd Respondent's scope of competence.

93. We are of the view that the absence of a requirement for the 1st Respondent to review every letter issued by a senior associate is not, in itself, a breach of professional standards. The 1st Respondent's approach to supervision in this specific situation was consistent with the experience of the 2nd Respondent and the nature and complexity of the matter and work being carried out. The Tribunal is satisfied that the 1st Respondent's approach to supervision was reasonable and in line with accepted practice in the profession.

94. As highlighted above, we accept the 1st Respondent's evidence that there were no circumstances that would have reasonably alerted the 1st Respondent to the possibility of an error in the 2nd Respondent's understanding of the court's directions at the hearing on 30 October 2019. The misunderstanding was not apparent from the available records and was not corrected by the court or by opposing counsel, who appeared to share the same understanding. The

persistence of the error was not due to a lack of supervision but to a genuine and shared misunderstanding of what had transpired at the hearing on 30 October 2019.

95. There is also no evidence of a systemic failure of supervision or a pattern of neglect on the part of the 1st Respondent. The error arose from a single, isolated misunderstanding by the 2nd Respondent, which was not detected by anyone involved in the matter, including the court and opposing counsel, until much later.

96. The Tribunal is again mindful that the standard of professional conduct must be interpreted in a manner that is fair and realistic, taking into account the practicalities of legal practice and the need for effective delegation. The law does not require a supervising solicitor to personally review every document prepared by an experienced subordinate, particularly where there are no indications of risk or prior issues with the junior's work.

97. We therefore find that the 4th Charge (and alternative charge) against the 1st Respondent are not made out.

98. With respect to the 2nd Respondent, we note that the 2nd Respondent has pleaded guilty to the amended alternative charge to the 2nd Charge. Accordingly, the Tribunal's findings below are limited to the principal 2nd Charge against the 2nd Respondent.

99. We find that the 2nd Charge against the 2nd Respondent is not made out.

100. We find that the 2nd Respondent's conduct was consistent with an honest, though mistaken, belief regarding the outcome of the 30 October 2019 hearing. There is no evidence that the 2nd Respondent concealed this mistaken belief. On the contrary, the 2nd Respondent openly and repeatedly referred to the purported costs order in correspondence and at pre-trial conferences, in the presence of the court and opposing counsel. The fact that the 2nd Respondent had copied key correspondence to the court and opposing solicitors, and continued to reference the same position in open court, is inconsistent with any intention to mislead or act with disregard for the truth:

a. There is evidence indicating that Mr Pillai, counsel for the opposing party, had also communicated this same understanding to the 1st Complainant.

b. The demand of $30,000 in costs was referenced again in the Respondents' letter dated 20 December 2019, which was copied to both Messrs Tan & Pillai and the court. No reply or objection was received from Messrs Tan & Pillai.

c. The demand of $30,000 in costs was raised at multiple pre-trial conferences, including on 12 November 2019 and 21 August 2020, before the same coram that presided over the original hearing. On 21 August 2020, the 2nd Respondent expressly stated that his clients were only prepared to mediate if the $30,000 costs were paid. There was again no contradiction or correction from the court or opposing counsel.

d. On 4 September 2020, the court directed the 2nd Respondent to write to the complainant with a breakdown of costs, copying the court, which led to the 9 September 2020 letter. Nearly a year had passed, and at no point had the 2nd Respondent's mistaken understanding been challenged or corrected.

101. Had the 2nd Respondent intended to act dishonestly, it would have been illogical to repeatedly make the same representation before those who were present at the hearing and could easily have contradicted him. The absence of any attempt at concealment, and the repeated references to the same facts, reinforce our finding that the 2nd Respondent genuinely believed in the accuracy of his statements.

102. We are not satisfied that the 2nd Respondent's conduct amounted to recklessness. The mistake was not inexplicable, particularly as another senior solicitor, Mr Pillai, shared the same misunderstanding of the court's directions. The 2nd Respondent's belief was reinforced by the opposing counsel and the court over a protracted period and multiple occasions.

103. We accept the 2nd Respondent's evidence that he did not have access to the certified notes of evidence until March 2023, well after the events in question. In any event, we also accept that the circumstances here (unlike in *Sham Chee Keat*) did not give rise to a need for the 2nd Respondent to obtain the same to verify his understanding of the directions made by the court at the 30 October 2019 hearing. We accept that the 2nd Respondent had no reason to doubt his own notes or recollection. There was nothing on the evidence that would have

suggested to him that his understanding was erroneous or required further verification.

104. Given the absence of any indication that his understanding was incorrect, and the reinforcement of his belief by the conduct of the court and opposing counsel, it was not unreasonable for the 2nd Respondent to have relied on his own notes in respect of the hearing on 30 October 2019 and his recollection.

105. There is also no allegation or evidence that the 2nd Respondent acted out of personal animus, for personal gain, or with any improper motive. The present case is distinguishable from earlier decisions such as in *Yeo Kan Kiang Roy*, *Gurdaib Singh s/o Pala Singh*, and *Sham Chee Keat*, where the conduct in question involved a greater degree of culpability or disregard for professional obligations. Here, the 2nd Respondent's error did not result in any loss or prejudice to the complainants, as no payment was made as a result of the 2nd Respondent's innocent mistake.

106. The 2nd Respondent's misunderstanding was only corrected at the pre-trial conference on 30 September 2020, after which he promptly complied with the court's direction to send a revised breakdown of costs.

107. In sum, we find that the 2nd Respondent did not act dishonestly or recklessly in making the inaccurate statements in the letters dated 5 November 2019 and 9 September 2020. The 2nd Respondent's actions were consistent with a genuine

and honest mistake. The 2nd Respondent has pleaded guilty to the amended alternative charge to the 2nd Charge against him.

VIII. DISPOSITION WITH RESPECT TO THE 1ST RESPONDENT

108. The DT's findings with respect to the charges against the 1st Respondent are summarised in the table below:

1st Charge	Charge is not made out.
2nd Charge	Charge is made out.
Alternative Charge to 1st and 2nd Charges	Charge is not made out.
3rd Charge	Charge is not made out.
Amended Alternative Charge to 3rd Charge	Charge is not made out.
4th Charge	Charge is not made out.
Alternative Charge to 4th Charge	Charge is not made out.

IX. DISPOSITION WITH RESPECT TO THE 2ND RESPONDENT

1st Charge	Charge is not made out
Alternative Charge to 1st Charge	Charge is not made out.
2nd Charge	Charge is not made out.
Amended Alternative Charge to 2nd Charge	2nd Respondent pleaded guilty.

X. APPROPRIATE SENTENCE

109. The Tribunal has to decide whether the Respondents' conduct warrants a determination under either section 93(1)(b) or (c) of the LPA.

110. With respect to the 2nd Charge against the 1st Respondent, the Tribunal is of the view that the present case does not fall within the category of the most serious of complaints.

111. In determining the appropriate sanction for the 1st Respondent in relation to the 2nd Charge, the Tribunal has given careful consideration to the submissions of both parties, the relevant authorities, and all the circumstances of the case.

112. The 1st Respondent contends that his conduct is analogous to that in *Law Society of Singapore v Isaac Riko Chua and another* [2023] SGDT 14 ("**Isaac Riko**"), and that the Tribunal should similarly find that there is no cause of sufficient gravity for disciplinary action beyond a reprimand. In *Isaac Riko*, the Tribunal found that the respondent lawyers' unfamiliarity with the contents of a clarificatory report amounted to negligence or want of skill, but not to inexcusable conduct warranting disciplinary sanction. The 1st Respondent submits that his (alleged) failure to ensure disclosure of all relevant facts to the court is akin to the respondents' conduct in *Isaac Riko*, in failing to assist the Court to the fullest extent that he should have been able to.

113. However, the Tribunal is of the view that the present case is distinguishable from *Isaac Riko*. In that case, the failure related to a lack of familiarity with a document, and the Tribunal found that the underlying questions could be answered by reference to the clarificatory report itself, which was before the court. *Isaac Riko* can be distinguished from the present case because the 1st Respondent's conduct relates not to unfamiliarity in documents or want of skill but rather his failure to ensure that the court was properly apprised of the material facts and procedural history (i.e. the the 1st Complainant's affidavit and the *inter partes* nature of SUM 1603).

114. The Tribunal accepts the Law Society's submission that the 1st Respondent was under a duty to apprise the court of these material facts and the procedural history at the Hearing. The 1st Respondent's argument that he had no reason to believe the court was unaware of the relevant facts is not persuasive. While the Tribunal does not find that the 1st Respondent acted with any deliberate intent to mislead, the 1st Respondent has failed to discharge the paramount duty of candour and disclosure to the court.

115. In considering the appropriate sanction, the Tribunal is satisfied that the gravity of the breach in this case requires more than a mere reprimand. The duty of full and frank disclosure to the court is fundamental to the administration of justice, and a failure in this regard undermine the integrity of the legal process.

116. Therefore, pursuant to section 93(1)(b)(i) of the LPA, the Tribunal determines that while no cause of sufficient gravity for disciplinary action exists under section 83

of the LPA, the 1st Respondent should be ordered to pay a penalty of S$5,000, which in our view is sufficient and appropriate to the misconduct committed.

117. In *Sham Chee Keat*, the respondent was found to have acted without dishonesty but failed to exercise reasonable diligence and competence by allowing inaccurate statements in an affidavit. The Tribunal in that case held that while the conduct amounted to professional misconduct, it did not reach the severity requiring suspension or striking off. A financial penalty of S$5,000 was imposed as appropriate and proportionate.

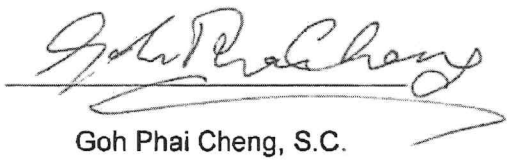
118. Similarly, in the present case, although it is our finding that the 1st Respondent did not intentionally mislead the court, his failure to ensure full disclosure of material facts was a breach of professional duty.

119. The 2nd Respondent pleaded guilty to the amended alternative charge to the 2nd Charge. We accept the submission that the 2nd Respondent's early plea should be taken into consideration in determining sentencing. We accept that the 2nd Respondent's actions was a genuine and innocent mistake on his part, as reinforced by the facts and circumstances outlined above. The 2nd Respondent's mistake also did not cause any loss or harm.

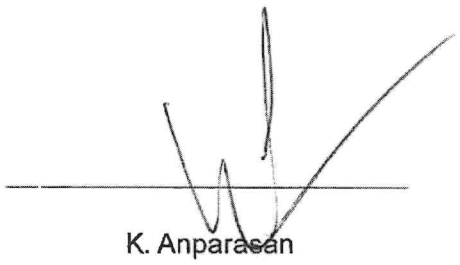
120. Pursuant to section 93(1)(b)(i) of the LPA, we determine that while no cause of sufficient gravity for disciplinary action exists under section 83 of the LPA, we are satisfied that a reprimand is sufficient and appropriate in respect of the amended alternative charge to the 2nd Charge against the 2nd Respondent.

121. In determining the issue of costs, while it is the Tribunal's finding that the 2nd Charge against the 1st Respondent is made out, and the 2nd Respondent pleaded guilty to the amended Alternative Charge to the Second Charge, the rest of the charges (and alternative charges) against the 1st and the 2nd Respondents were not made. Having considered all of the facts and circumstances in the present case, the Tribunal is satisfied that it is appropriate to make no order as to costs.

Dated this 29th day of September 2025



Goh Phai Cheng, S.C.
President



K. Anparasan
Member