

Re: Ang Jian Xiang and others
[2016] SGHC 92

Case Number : Admission of Advocates and Solicitors Nos 111, 113, 262 and 353 of 2016
(HC/Summonses Nos 1707, 1622, 1783 and 1951 of 2016)

Decision Date : 10 May 2016

Tribunal/Court : High Court

Coram : Choo Han Teck J

Counsel Name(s) : Mr Jonathan Ee and Miss Jocelyn Teo for the Attorney-General; Mr K Gopalan for the Law Society; Mr Avery Chong for the Singapore Institute of Legal Education.

Parties : Ang Jian Xiang — Mohammed Shakirin Bin Abdul Rashid — Joel Heng Zhen Yuan — Sharifah Nor Azizah Bte Sheikh Azad Ally

Legal Profession – Admission – Part-call application

10 May 2016

Choo Han Teck J:

1 On 9 May 2016, a number of applications for practice trainees to be permitted a limited audience before the courts prior to their full admission to the Bar (“part-call applications”) were scheduled to be heard at 10am. In these four applications (AAS No 111 of 2016, AAS No 113 of 2016, AAS No 262 of 2016 and AAS No 353 of 2016), the applicants, who were the supervising solicitors of the practice trainees, did not appear at the time fixed for the hearing. Although the supervising solicitors were late, their practice trainees were on time and present in court.

2 There were 43 applications fixed for hearing on the same day, and all save these few were heard. Mr Jonathan Ee and Miss Jocelyn Teo represented the Attorney-General, Mr K Gopalan represented the Law Society, and Mr Avery Chong represented the Singapore Institute of Legal Education.

3 When counsel is late for court it is a mark of disrespect, not for the individual judge as a person, but to the court as representing a legal institution. Unpunctuality in such applications also impart the wrong lesson that the court can be kept waiting. The practice trainees in these applications are not to be faulted because they were present in court, but they might leave with the impression that they need not be on time in future. That must not be part of their training.

4 A Senior Counsel and former Judicial Commissioner, Mr Michael Hwang used to tell his trainees that whenever the rules require a solicitor to comply within a certain number of days the solicitor ought to calculate the date with one day to spare “for good luck”. That is sound advice to reduce the chances of falling out of time. Similarly, one has to be early in order to be on time. It is not only good training for lawyers but as socially conscious people, should be considerate by respecting the time of others.

5 For these reasons all four applications for which counsel (the supervising solicitors) were absent when all the other applications in the list had been dealt with, are dismissed.

6 Counsel in AAS 353 of 2016 wrote to the court in the afternoon to say that he was absent

because he was at a lower court. He stated that the lower court was scheduled to start proceedings at 9am but started at 10am instead because the defendant there was in prison and the proceedings were conducted by video-link.

7 Court schedules sometimes clash. That is understandable and so when such clashes occur, the higher court has precedence over the lower court. In practice, courts tend to accommodate litigants and counsel to find the path of least inconvenience. Usually, problems of overlapping proceedings can be resolved when the courts are notified in advance.

8 In the case of AAS 353 of 2016, the lower court started hearing at the same time that AAS 353 of 2016 was scheduled for hearing in the High Court. Counsel decided to proceed with the lower court hearing and not have a fellow solicitor to mention his case in the High Court proceedings. In his letter, the solicitor asked that the application be restored for hearing on "Friday, 13 March 2016" and merely regrets "any inconvenience caused". If counsel did not appreciate why rules of procedure and protocol are laid down and expected to be followed when he failed to turn up on time for a court hearing, his letter renders the initial failing even more egregious by the utter lack of contrition. There is therefore no reason to restore AAS 353 of 2016 and the applicant will have to file a fresh application. The best lesson a senior or supervising solicitor imparts to his junior is by being an exemplary role model.