IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2025] SGHC 137

Originating Application No 1212 of 2024

Between

Lun Yaodong Clarence

… *Applicant*

And

Law Society of Singapore

… *Respondent*

GROUNDS OF DECISION

[Administrative Law — Judicial review]

[Legal Profession — Disciplinary proceedings]

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Lun Yaodong Clarence
v
Law Society of Singapore

[2025] SGHC 137

General Division of the High Court — Originating Application No 1212 of 2024
Andre Maniam J
28 April 2025

21 July 2025

Andre Maniam J:

Introduction

1 The applicant ("Mr Lun"), a solicitor, was the subject of disciplinary proceedings that culminated in proceedings before the Court of Three Judges (the "C3J"), resulting in him being suspended from practice for 18 months: see *Law Society of Singapore v Lun Yaodong Clarence* [2023] 4 SLR 638 at [97].

2 A year and a half later, Mr Lun made a complaint to the Law Society (the "Complaint") about the lawyer who represented him in the disciplinary proceedings, Mr Mark Seah ("Mr Seah") from Dentons Rodyk & Davidson LLP ("Dentons").[1]

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[1] Applicant's Written Submissions at [4]; Respondent's Written Submissions at [12]; Affidavit of Clarence Lun Yaodong dated 8 November 2024 ("Claimant's Affidavit") at [4]–[6] and pp 32–72.

3 The Complaint was reviewed by a Review Committee (the "RC"), which decided that the Complaint was lacking in substance and directed the Council of the Law Society to dismiss it. As required by s 85(9) of the Legal Profession Act 1966 (2020 Rev Ed) (the "LPA"), the Council dismissed the Complaint.[2]

4 Dissatisfied, Mr Lun applied for (a) permission to apply for a quashing order against the decision of the RC, and (b) permission to apply for an order that the Complaint be heard by a freshly constituted Review Committee.[3] On 28 April 2025, I dismissed the application. Mr Lun has appealed, and these are my grounds of decision.

Background

5 Mr Lun faced disciplinary proceedings for purportedly acting as supervising solicitor for two practice trainees when he had not been in practice for five or more years in the seven years prior to such supervision: Mr Lun had been in practice for less than three years in the relevant period. This was in breach of rule 18(1)(b) of the Legal Profession (Admission) Rules 2011.[4]

6 In the disciplinary proceedings, Mr Lun was initially represented by other lawyers, but eventually by Dentons with Mr Seah as lead counsel. Dentons' engagement by Mr Lun was on the terms of a letter of engagement

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2 Applicant's Written Submissions at [10]; Respondent's Written Submissions at [20] – [21].

3 Originating Application for HC/OA 1212/2024 at [1]; Applicant's Written Submissions at [69].

4 Affidavit of Gokulamurali Haridas dated 20 February 2025 ("Law Society's Affidavit") at [6].

("LOE") dated 20 September 2021 which provided for billing based on time costs.[5]

7 On 11 November 2021 and 14 January 2022, Dentons issued its first two invoices for work done in the periods of 27 September 2021 to 28 October 2021, and 29 October 2021 to 17 December 2021 respectively. On a goodwill basis, Dentons discounted its time costs in arriving at the amounts billed. Those invoices were paid by Mr Lun.[6]

8 On 22 March 2022, a disciplinary tribunal ("DT") found that there was cause for sufficient gravity for disciplinary action against Mr Lun (*Law Society of Singapore v Clarence Lun Yaodong* [2022] SGDT 9 at [3]). That led to the proceedings before the C3J. Mr Seah had acted for Mr Lun before the DT, and he continued to represent Mr Lun through the C3J proceedings.

9 On 28 October 2022, the C3J gave its decision, imposing a suspension of 18 months on Mr Lun, commencing on 7 November 2022: see *Law Society of Singapore v Lun Yaodong Clarence* [2023] 4 SLR 638 at [97] and [103].

10 On 29 December 2022 and 18 March 2024, Dentons issued its third and fourth invoices, collectively for work done from 27 December 2021 to 28 October 2022. Those invoices remain unpaid, and are the subject of pending taxation proceedings in HC/BC 123/2024 ("Bill of Costs 123"). Those two invoices are a subject of the Complaint.[7]

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5 Respondent's Written Submissions at [6]; Law Society's Affidavit at [13] and pp 259 – 267: Mr Seah's Bundle of Annexures at Annex D: Dentons Rodyk & Davidson LLP's Letter of Engagement dated 20 September 2021.

6 Claimant's Affidavit at [38] and pp 126–138; Law's Society's Affidavit at [17]–[18].

7 Claimant's Affidavit at [37] and pp 108–121.

11 In the Complaint, besides alleging that Mr Seah had overcharged him and/or fraudulently concealed the basis on which Mr Seah intended to charge, Mr Lun alleged against Mr Seah gross negligence and/or want of skill in legal representation.[8] The RC however found that the Complaint was lacking in substance, and so ought to be dismissed.[9]

12 These are my grounds for denying Mr Lun permission to apply for judicial review of the RC's decision.

The test for granting an application for permission to seek judicial review

13 An application for permission to seek judicial review is "meant to be a means of filtering out groundless or hopeless cases at an early stage and the judge hearing an application for leave for judicial review does not need to, and should not, embark on a detailed analysis of the materials put forward by the applicant. The judge need only read the material quickly and appraise whether it discloses an arguable and *prima facie* case of reasonable suspicion." (*Re Nalpon, Zero Geraldo Mario* [2018] SGCA 71 ("*Nalpon (CA)*") at [19], citing *Public Service Commission v Lai Swee Lin Linda* [2001] 1 SLR(R) 133). The applicant needs to show "a *prima facie* case of reasonable suspicion that the applicant will succeed on the main application": *Nalpon (CA)* at [20]. See also Order 24 r 5(3)(*b*)(ii) of the Rules of Court 2021: the supporting affidavit must show that "the evidence discloses an arguable case of reasonable suspicion in favour of the Court making the orders sought".

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8 Claimant's Affidavit at pp 32–72.

9 Respondent's Written Submissions at [20]; Claimant's Affidavit at pp 151–155.

14 Following that approach, I concluded that Mr Lun had failed to establish an arguable and *prima facie* case of reasonable suspicion. Accordingly, I dismissed his application for permission to apply for judicial review.

Analysis of the Complaint and the RC's report

15 The Complaint was organised as follows:[10]

> [1]-[2] Particulars of Mr Lun and Mr Seah.
>
> I. INTRODUCTION
>
> [3]-[7]
>
> II. BACKGROUND LEADING UP TO MARK'S ENGAGEMENT
>
> [8]–[13]
>
> III. FIRST HEAD OF COMPLAINT: GROSS NEGLIGENCE AND/OR WANT OF SKILL IN MY LEGAL REPRESENTATION
>
> > (a) Acting without the relevant knowledge, skills and attributed (sic) required for representation of legal practitioners in disciplinary proceedings
> >
> > [14]–[15]
> >
> > (b) Omission to make reference to key mitigating factors in my draft affidavit and submissions
> >
> > [16] – [22]
> >
> > (c) Declining my invitation for Senior Counsel to be instructed
> >
> > [23]–[34]
> >
> > (d) Declining my invitation for pre-hearing discussions before the C3J hearing with inflated confidence
> >
> > [35]–[38]
> >
> > (d) (sic) Declining my invitation to be present by counsel's side during the hearing before the C3J
> >
> > [39]–[50]

[10] Claimant's Affidavit at pp 32–72.

IV. SECOND HEAD OF COMPLAINT: GROSS OVERCHARGING AND/OR FRAUDULENT CONCEALMENT OF BASIS ON WHICH PROFESSIONAL FEES WERE CHARGED

[51]–[88]

V. CONCLUSION

[89]–[91]

16 In the Complaint, Mr Lun specified two "heads of complaint":

(a) gross negligence and/or want of skill in my legal representation ("first head of complaint"); and

(b) gross overcharging and/or fraudulent concealment of basis on which professional fees were charged ("second head of complaint").

17 In its report of 24 October 2024, the RC set out the same two heads of complaint; the RC found that each head of complaint, and consequently the Complaint as a whole, was lacking in substance. The report read as follows:[11]

REPORT OF THE REVIEW COMMITTEE

1. This Review Committee was constituted on 9 September 2024.

2. The Review Committee comprised the following members:

(i) Jean Thio Puay Jin; and

(ii) Marcus Song Ee Pin.

3. The Complainant's complaints against the Respondent may be summarized as follows:

The Respondent acted for the Complainant for almost two years from 20 September 2021 to about 28 October 2022 before the Disciplinary Tribunal and before the Court of Three Judges to defend charges against the Complainant for professional misconduct as a solicitor.

The decision of the Court of Three Judges was rendered in early November 2022 and there were various exchanges between the

[11] Claimant's Affidavit at pp 153–155.

> [Complainant] and the Respondent on the issue of billing. The Complainant subsequently filed the complaint on 30 April 2024 alleging the following two grounds:(1) Gross Negligence and/or want of skill in legal representation; and
>
> (2) Gross overcharging and/or fraudulent concealment of basis on which professional fees were charged.
>
> The Committee wrote to both the Complainant and the Respondent requesting for further information. The Respondent responded with further information on 15 October 2024 but we did not receive any response from the Complainant to our queries.
>
> The Committee has reviewed all the information provided by both the Complainant and the Respondent. On the first ground, the Committee is of the view that the Complainant has failed to assert any facts to substantiate the allegation that the Respondent has been grossly negligent and lacked skill in legal representation when acting for the Complainant. The Complainant failed to assert what knowledge, skills or attributes the Respondent did not have but focused on the disappointing outcome of the decision by the Court of Three Judges. Whilst the Committee appreciates that the outcome was disappointing to the Complainant, no legal practitioner can guarantee outcomes. Based on the correspondence and materials provided, the Respondent could be seen to be working on the matter including attending meetings and discussions with the Complainant and the hearings before the Disciplinary Tribunal and the Court of Three Judges. The Complainant has not provided any facts to substantiate the allegation that the Respondent had been grossly negligent in his work.
>
> In terms of lack of skill in legal representation, the Committee notes that the Respondent is a legal practitioner of many years of experience and has done relevant work previously. Again, we fail to see any facts in the complaints to substantiate the allegation that the Respondent lacked skill in legal representation other than the assertion that it is the first time that the Respondent has acted as lead counsel in a disciplinary matter. However, it cannot be logical that a lawyer would be considered of lacking skill in legal representation by virtue of the fact that it is the first time that a lawyer is acting on a matter. The Complainant being himself a lawyer should have the ability to judge if the Respondent had sufficient skill in legal representation through the two years of working with the Respondent and was always at liberty to discharge the Respondent and engage new counsel, including Senior Counsel, if he had felt that the Respondent lacked the necessary skills and experience.

> On the second ground, the Committee notes that there was an engagement letter signed with the Respondent's law firm which clearly sets out the hourly charge rates of the lawyers working on the matter as well as the time costs basis on which the Respondent would be charging for the matter. The Committee also notes that the signed terms of engagement expressly stated that the hourly rates would be adjusted each year. Furthermore, the Complainant failed to disclose the existence of this engagement letter and had not responded to our specific queries on whether there was an engagement letter. In terms of the invoice rendered, the Committee notes that the time costs on the invoice had been substantially discounted on a goodwill basis. There also has been no evidence tendered that the Respondent would be acting for the Complainant on a pro bono basis. The Committee also notes that any concerns re overcharging could and should be addressed by the proper channel of a taxation process. The Committee had in fact asked the Complainant if the bills were taxed and did not receive any response from the Complainant. The Committee also understands that the Respondent has no objection to having the bills be taxed and has in fact, submitted the bills for the taxation process. It is for the Court to assess what the appropriate amount of the fees should be through the taxation process and not for the Committee to do so.
>
> 4. For the above reasons, the Committee is unanimously of the view that the Complainant's complaints are lacking in substance and directs the Council to dismiss them.

18 Although Mr Lun had in his Complaint specified two heads of complaint, in his application for permission to apply for judicial review he asserted that the Complaint involved "at least *four*" [emphasis added] separate heads of complaint (the "new heads of complaint"), and he sought to fault the RC for failing to recognise and address each of the four new heads of complaint as distinct complaints.[12]

19 On this premise, he contended that the RC's decision–making process was irrationally incomplete, for it disregarded entire heads of complaint (since it only dealt with the two heads of complaint in the Complaint, and not the "at

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12 Applicant's Written Submissions at [5]–[6], [25].

least four" new heads of complaint presented thereafter in his application to court).[13]

20 This contention was misconceived.

21 First, a Review Committee is a "sifting mechanism" to weed out frivolous complaints (*Deepak Sharma v Law Society of Singapore* [2016] 4 SLR 192 at [41]) operating within a tight statutory timeframe (from the time of its constitution, to start its review within two weeks, and to complete it within four weeks): s 85(6) and (8) of the LPA. Its function is to direct the Council to dismiss the matter if it is unanimously of the opinion that the complaint is "frivolous, vexatious, misconceived or lacking in substance", and if so to "give the reasons for the dismissal": s 85(8)(*a*) of the LPA; otherwise it is to refer the matter back to the Chairperson of the Inquiry Panel: s 85(8)(*b*) of the LPA. It is not the function of a Review Committee to go beyond the heads of complaint presented to it, and attempt to identify additional heads of complaint.

22 Second, in so far as Mr Lun has derived the new heads of complaint from his Complaint, on the face of the RC's report the RC had dealt with the whole of the Complaint, including any new heads Mr Lun now says should be gleaned from it. In the course of argument, Mr Lun accepted (and rightly so) that his challenge to the RC's decision was based on the Complaint that was before the RC, and not on matters extraneous to it.[14]

23 Third, Mr Lun's criticism that the RC report did not specifically address each of the new heads of complaint is not a recognised ground for review. In *Re*

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13 Applicant's Written Submissions at [25]–[29].

14 Notes of evidence, 18 April 2025, page 2 lines 8–9.

Nalpon, Zero Geraldo Mario [2017] SGHC 301 ("*Nalpon (HC)*"), the court stated at [29]: "While the Review Committee's reason for dismissing the complaint was admittedly very brief, an assertion that *more extensive or better* reasons should have been given is not a recognised ground for review. [emphasis in original]"

24 The RC report in *Nalpon (HC)* (set out at [11] of the decision) was very brief indeed:

> REPORT OF THE REVIEW COMMITTEE
>
> 1. This Review Committee was constituted on 18 May 2017.
>
> 2. The Complainant's complaints are set out at Paragraph 3 of the Complainant's letter dated 2 May 2017 to the Law Society.
>
> 3. However, the information and documents provided by the Complainant do not provide any support for any of the complaints.
>
> 4. For the above reasons, the Committee is unanimously of the view that the Complainant's complaints are lacking in substance and directs the Council to dismiss them.

25 Even so, the court held at [29]:

> … the Review Committee's statement that the information and documents provided no support for the applicant's complaint was *itself* a reason for the dismissal of his complaint. The natural inference from its statement was that it had reviewed the documents submitted by the applicant and reasoned that they provided no support for his complaints, possibly on the basis that no findings of fact had been made on a critical issue.

26 The RC report in the present case is much fuller, providing specific reasons in relation to each of the two heads of complaint in the Complaint, as to why the RC found them to be lacking in substance.

27 Fourth, Mr Lun refers to his email of 11 June 2024 in response to the Law Society's letter of 10 June 2024, in which he said:[15]

> In my view, paragraph 2 of the letter is an oversimplification of the heads of claim on the intended complaint I intend to bring against Mr Mark Seah. There are multiple limbs of complaints and causes of actions set out.

28 Paragraph 2 of the Law Society's letter of 10 June 2024 had simply repeated the two heads of complaint as set out in Mr Lun's Complaint.[16] Mr Lun did not send his email of 11 June 2024 to the RC, and neither did the Law Society. Mr Lun cannot now fault the RC for dealing with his heads of complaint, in the way he had specified them in the Complaint.

29 I now evaluate Mr Lun's grounds for seeking judicial review.

Mr Lun's grounds for seeking judicial review

30 An application for permission to seek judicial review must be supported by a statement setting out (among other things) "the relief sought and the grounds on which it is sought" (Order 24 rule 5(3)(*a*), Rules of Court 2021), and " [t]he applicant is bound by the grounds and relief set out in the statement and may not rely upon any ground or seek any relief, at any stage of the proceedings, that is not set out in the statement unless the Court otherwise allows." (Order 24 rule 5(4), Rules of Court 2021).

31 In Mr Lun's Statement (Amendment No. 1) dated 30 December 2024, he set out two grounds for judicial review: irrationality (at [12]–[40]) and procedural impropriety (at [41]–[44]).

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15 Claimant's Affidavit at p 161.

16 Law Society's Affidavit at p 33: Law Society's Letter to Mr Lun dated 10 June 2024.

32 In his written submissions dated 21 April 2025, filed a week before the hearing on 28 April 2025, Mr Lun sought to rely on a third ground, namely, illegality.[17] He recognised that he had "labelled his contentions for judicial review in his Affidavit and statement as falling under the heading of irrationality, and did not expressly [make] reference to illegality". However, relying on *Tan Seet Eng v Attorney-General* [2016] 1 SLR 779 ("*Tan Seet Eng*") at [80]–[81], he sought also to rely on illegality.[18]

33 *Tan Seet Eng* does not assist Mr Lun in this regard. That case did not decide that irrationality and illegality are synonymous. On the contrary, what the court said at [80] was that:

> …illegality and irrationality are separate, though overlapping, heads of review because at their core, each serves a different purpose … illegality serves the purpose of examining whether the decision-maker has exercised his discretion within the scope of his authority and the inquiry is into whether he has exercised his discretion in good faith according to the statutory purpose for which the power was granted, and whether he has taken into account irrelevant considerations or failed to take account of relevant considerations … Conversely, irrationality is a more substantive enquiry which seeks to ascertain the range of legally possible answers and asks if the decision made is one which, though falling within that range, is so absurd that no reasonable decision-maker could have come to it.

34 As the court recognised at [81], certain decisions may be both illegal and irrational at the same time. It follows that if an applicant wishes to rely on both illegality and irrationality, he should set out both grounds in his statement.

35 By the time it became apparent to the Law Society that Mr Lun wished not only to rely on irrationality and procedural impropriety (as set out in his statement) but also on illegality (as set out in his written submissions), the Law

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17 Applicant's Written Submissions at [19] and [21]–[22].

18 Applicant's Written Submissions at [22].

Society had already filed its reply affidavit, its written submissions, and its bundle of authorities, none of which anticipated that Mr Lun might seek to rely on illegality.

36 Moreover, Mr Lun's attempted reliance on illegality was in relation to his contention that the RC had failed to engage with certain complaints raised by him[19] (which contention I have rejected in the preceding section at [21]–[28]).

37 In the circumstances, having regard to Order 24 rule 5(4) of the Rules of Court 2021, I did not allow Mr Lun to rely on illegality as a third ground on which to seek judicial review. Even if I did allow him to rely on illegality, for reasons given in the preceding section that ground was hopeless.

38 I now address first Mr Lun's case that the RC's decision was irrational in relation to each of his two heads of complaint, and then his case on procedural impropriety.

Irrationality

First head of complaint: "gross negligence and/or want of skill in my legal representation"

39 The RC stated in its report that it had "reviewed all the information provided by both the Complainant and the Respondent", concluded that "the Complainant's complaints are lacking in substance and direct[ed] the Council to dismiss them".[20] The information provided by the Complainant (Mr Lun) and the Respondent (Mr Seah) comprised Mr Lun's Complaint and annexures, and

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19 Applicant's Written Submissions at [25]–[29].

20 Applicant's Affidavit at pp 150–155.

Mr Seah's response and annexures.[21] In line with *Nalpon (HC)* at [24], that is a sufficient reason for the decision to dismiss the Complaint: the RC had reviewed the information and documents submitted by the parties and reasoned that the Complaint was lacking in substance.

40 The RC also gave specific reasons for reaching that conclusion in relation to each of the two heads of complaint listed by Mr Lun.

41 Mr Lun said that the RC's decision in relation to the first head of complaint was irrational. He said:

(a) the RC mischaracterised the first head of complaint;[22]

(b) the RC failed to address distinct complaints;[23]

(c) there was a flawed assessment of the first head of complaint;[24] and

(d) the RC should not have accepted Mr Seah's account at face value.[25]

42 I deal with these contentions in turn.

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21 Applicant's Affidavit at [4]; Law Society's Affidavit at [45] and pp 47–609.

22 Applicant's Written Submissions, [23]–[24].

23 Applicant's Written Submissions, [25]–[29].

24 Applicant's Written Submissions, [30]–[38].

25 Applicant's Written Submissions, [50]–[54].

The allegation that the RC had mischaracterised the first head of complaint

43 Mr Lun says that the RC had mischaracterised the first head of complaint, by saying that he had "focused on the disappointing outcome of the decision by the Court of Three Judges".[26] Mr Lun says his complaint "was grounded in concrete factual assertions about Mr Seah's conduct, not merely disappointment with the outcome",[27] and that the RC's characterisation ignored the substantial factual allegations in the Complaint, which were summarised in [47] thereof.[28]

44 Mr Lun's argument is based on part of a sentence from the RC's report (italicised below):[29]

> The Complainant failed to assert what knowledge, skills or attributes the Respondent did not have but *focused on the disappointing outcome of the decision by the Court of Three Judges*. [italics added]

45 Mr Lun did not directly rebut the first part of the same sentence – that he had "failed to assert what knowledge, skills or attributes the Respondent did not have": he did not show how he *had* in the Complaint asserted what knowledge, skills or attributes Mr Seah did not have. Instead, he raised various criticisms of Mr Seah's handling of the matter, presumably suggesting that the RC should have inferred – from those criticisms – what knowledge, skills or attributes Mr Seah did not have.

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26 Applicant's Written Submissions at [23].

27 Applicant's Written Submissions at [24].

28 Applicant's Written Submissions at [23].

29 Applicant's Affidavit at p 154.

46 There is no basis for Mr Lun's conclusion that the RC ignored the factual allegations he had made, especially since Mr Seah had rebutted each of those factual allegations with reference to contemporaneous documents. After reviewing Mr Lun's allegations alongside Mr Seah's response, one cannot say that the RC was irrational in deciding that Mr Lun's first head of complaint lacked substance.

(1) The criticism that Mr Seah acted against Mr Lun's instructions

47 Mr Lun alleged that Mr Seah had acted against his instructions by running a defence before the C3J to the effect that Mr Lun had relied on Mr Goh Keng Haw as a "shield" for regulatory issues, when Mr Lun had expressed his wishes to accept full culpability and apologise to the court.[30]

48 In Mr Seah's response (at [12(a) and [56]–[60]), he pointed out that Mr Lun had said multiple times that he saw Mr Goh as a "shield":[31] Mr Lun said in his email of 6 October 2021 to Dentons that "I honestly thought I had a shield (that is, through the management in whatever I do, because they run the company, not me, and I pay them for this specific purpose)."[32] Dentons' attendance note dated 22 October 2021 also recorded Mr Lun saying, "thought I had a shield".[33] Indeed, that was the tenor of Mr Lun's evidence before the DT.[34] The DT report notes at [22] that Mr Lun claimed he believed that "he had

30 Applicant's Written Submissions at [23(a)].

31 Law Society's Affidavit at pp 51 and 63..

32 Law Society's Affidavit at p 303.

33 Law Society's Affidavit at p 333.

34 Law Society's Affidavit at p 63, [57].

a shield" on regulatory issues, namely, that Mr Goh "would take care of regulatory and compliance issues".[35]

49 After the matter entered the C3J phase, Mr Lun sent an email of 24 April 2022 to Dentons, in which he said, "Whilst I will leave my solicitors to the submissions, I would like to inform the Court that I have apologized on this issue to lawsociety (sic) right at the outset and would also like to take this opportunity to apologise to the Honourable Court."[36] Mr Lun referred to this email[37] to support his contention that Mr Seah had, in breach of his instructions, taken the position before the C3J that Mr Lun had relied on Mr Goh as a "shield". That email does not, however, say that Mr Lun wished to abandon his point (which he had maintained before the DT) that he regarded Mr Goh as a "shield".

50 Indeed, Mr Lun's affidavit of 13 May 2022 before the C3J (which was filed after Mr Lun's 24 April 2022 email, above) continued to make the point about Mr Goh being a "shield" at [14], and to explain what Mr Lun had meant by that:

> I fully accept, and as my counsel also readily conceded during the hearing before the DT, Rule 18 carries personal responsibility and it is not my intention to make excuses for my mistake. What I had meant by me thinking that I had a shield, is that I thought that I had a measure in place in the form of someone more experienced, to guide and navigate me through any blind spots I may have missed, after my return to private practice (I had last held the position of an associate before I went in-house), as I recognised that this was important. I do not at all blame Mr Goh for my not reading Rule 18. I ask only that the Court consider these particular circumstances as mitigating my own lapse.

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35 Law Society's Affidavit at p 134.

36 Claimant's Affidavit at p 74.

37 Claimant's Affidavit at p 37 and 38, [16] and [19].

51 Mr Lun's written submissions filed on 24 June 2022 also contained reference to Mr Goh being a "shield", at [51]:

> The Respondent had endeavoured to minimise the risk of an inadvertent regulatory breach. Mr Goh was to the Respondent, a second pair of eyes, that he hoped, would help protect him as he navigated the challenges of developing a practice. This is essentially what the Respondent mean that he thought he had "a shield" in Mr Goh. The Respondent always believed that particularly on regulatory issues, where he knew he was less experienced, that he could benefit from the guidance that Mr Goh could bring. The Respondent had a genuine expectation of support from Mr Goh on regulatory and compliance matters. The Respondent's mistake also took place rather early in his time at Foxwood, when the Respondent was still getting to know Mr Goh and the company's operations.

52 Dentons sent the written submissions to Mr Lun in draft, he suggested changes, and they were finalised with his agreement. There was, in particular, discussion about [51] of the written submissions, which included the reference to Mr Lun having regarded Mr Goh as a "shield", with which Mr Lun concurred.[38]

(2) The criticism that Mr Seah had failed to include Mr Andrew Chan's point that Mr Lun had made a genuine mistake regarding his years of qualification

53 Mr Seah explained at [55] of his response that:[39]

(a) Mr Lun agreed not to make the point that he had made a genuine mistake regarding his years of qualification;

(b) there would still have been a substantial shortfall in years for the purpose of him being qualified to be a supervising solicitor;

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38 Mr Lau's response at pp552–555 of the Law Society's affidavit.

39 Law Society's Affidavit at pp 62–63.

(c) Mr Lun's stated explanation for his conduct was that he had not read the rule, not that he had read the rule but thought he was qualified; and

(d) Mr Lun's affidavit was sent to him in draft, he made changes, and it was finalised without the point about Mr Lum thinking he was more qualified than he in fact was.[40]

(3) The criticism that Mr Seah failed to explain with conciseness and clarity before the Court of Three Judges how the Applicant came to realise his mistake

54 The allegation is that when the Chief Justice asked Mr Seah how Mr Lun came to realise that there was a potential regulatory infringement, Mr Seah only made a general reference to Mr Lun's AEIC on this, and was unable to pinpoint the specific reference.[41]

55 Mr Seah explained that he did pinpoint the specific reference: he referred the court to [36] of Mr Lun's AEIC which explains how Mr Lun came to realise the infringement, and this is recorded in Dentons' attendance note of the C3J hearing.[42] Moreover, the C3J's decision at [12]–[13] noted that that was Mr Lun's explanation as to how he came to realise the infringement.

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40 Law Society's Affidavit at pp 529–534.

41 Claimant's Affidavit at pp 47–48: Complaint at [42]–[43].

42 Law Society's Affidavit at p 576.

(4) The criticism that Mr Seah had declined Mr Lun's invitation for Senior Counsel(s), Mr Andrew Chan and/or Mr Kirindeep Singh to be instructed

56 In his Complaint, Mr Lun said Mr Seah had "rejected [his] proposal to engage a Senior Counsel or at the very least let Mr Chan take the lead on the matter."[43] Although Mr Lun had in [32] and [47(d)] of the Complaint made reference to Mr Kirindeep Singh (Mr Seah's colleague in Dentons), he did not in his Complaint say that Mr Kirindeep Singh was one of the senior practitioners that he had suggested to Mr Seah should be lead counsel: the Complaint was limited to Senior Counsel or Mr Andrew Chan. In this application, for Mr Lun to now add Mr Kirindeep Singh as another candidate for lead counsel, goes beyond the permissible scope of judicial review.

57 Mr Seah said that Mr Lun had never proposed that senior counsel be engaged, or that Mr Andrew Chan be lead counsel.[44] Mr Seah's account is borne out by Dentons' attendance note of 15 July 2022 which records Mr Lun saying to Mr Seah: "If you are comfortable, you can do it…If comfortable, you know facts inside out… x think someone come above…No point to put someone I x know…Will tell him [Andrew] to leave M to run the show. Too many hands spoil the broth."[45]

58 The key issue is whether (as Mr Lun alleged) Mr Seah was grossly negligent or wanting in skill in representing Mr Lun. If, in the first place, Mr Seah was not negligent or wanting in skill in representing Mr Lun, whether or

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43 Claimant's Affidavit at p 42: Complaint at [29].

44 Law Society's Affidavit at pp 63–65: Mr Seah's response, [61]–[75].

45 Law Society's Affidavit, at p 544.

not Mr Seah agreed with any proposal or invitation by Mr Lun to appoint senior counsel (or Mr Andrew Chan as a more senior lawyer) would not change that.

59 It is also somewhat peculiar that Mr Lun would say he made a "proposal" (per the Complaint) or "invitation" (as expressed in this application) for the appointment of senior counsel. Mr Lun was the client and it was always his prerogative whether to appoint senior counsel – but he never did. In this regard, the RC observed:[46]

> The Complainant being himself a lawyer should have the ability to judge if the Respondent had sufficient skill in legal representation through the two years of working with the Respondent and was always at liberty to discharge the Respondent and engage new counsel, including Senior Counsel, if he had felt that the Respondent lacked the necessary skills and experience.

(5) The criticism that Mr Seah declined Mr Lun's invitation to be present at counsel's side during the hearing, which prevented Mr Lun from addressing the court directly

60 Mr Seah said that what happened was the exact opposite of what Mr Lun alleged: Dentons proposed that Mr Lun attend by zoom, but he declined, preferring to attend with Mr Andrew Chan at the gallery. This is borne out by the contemporaneous emails:[47]

(a) On 1 September 2022, 11:42:24am, Dentons wrote to inform Mr Lun that the Law Society's lawyer had written to the court registry seeking leave for its representative Mr Gopalan to attend the hearing by zoom, and to say that Dentons proposed to write to the registry "to request for you to attend the hearing via zoom."

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46 Claimant's Affidavit at p 154.

47 Law Society's Affidavit at pp 563 – 564.

(b) On 1 September 2022, 11:43am, Mr Lun replied, "I will be with Andrew at the gallery. That much is fixed."

(c) On 1 September 2022, 11:48am, Dentons replied to note Mr Lun's instructions that he would be at the public gallery, and added that they had called the case officer to confirm that there was no issue with this.

61 If Mr Lun had wished to attend by zoom at Mr Seah's side, it was always open to him to do so; Dentons proposed that Mr Lun attend by zoom, but Mr Lun preferred instead to attend in the gallery with Mr Andrew Chan at his side. Again, Mr Lun was the client, and it was his decision how he wished to attend the hearing.

(6) The criticism that Mr Seah had failed to adequately prepare the case, as evidenced by Mr Seah's own invoice showing he spent only two hours in the week leading up to the hearing

62 Mr Seah explained that he had spent the days leading up to the C3J hearing preparing, and that he had entered his time spent preparing for the case as "non-billable" time, as a gesture of goodwill, as he had done for earlier bills, even though he would have been entitled to record it as billable time.[48] In Mr Seah's earlier email of 8 November 2021, after the conclusion of the DT proceedings, he had said that Dentons' total time costs amounted to $172,695 which included about $21,060 which he had recorded as non-billable time, as a gesture of goodwill.[49] Moreover, Dentons' breakdown of billable time for its 18 March 2024 invoice for (among others) $129,167.50 in professional fees had a

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48 Law Society's Affidavit at p 78: Mr Seah's Response at [128(f)].

49 Law Society's Affidavit at p 72: Mr Seah's Response at [107]; Claimant's Affidavit at p 123.

breakdown of billable time with billable time entries for Mr Seah's colleague on 6, 7, 8, and 9 October 2022 leading up to the hearing on 10 October 2022.[50]

63 In any event, the ultimate question is whether Mr Seah was unprepared, rather than whether he had spent a particular amount of time in a particular period prior to the hearing. Mr Lun claims that Mr Seah's lack of preparation resulted in him not being able to give a specific reference to the paragraph in Mr Lun's AEIC explaining how Mr Lun realised the infringement (Complaint at [49]) but I have already addressed that at [54]–[55]above.

64 Viewed together with Mr Seah's response and the contemporaneous documents, Mr Lun's six criticisms of Mr Seah's handling of the matter are insufficient to show that it was irrational for the RC to decide that his first head of complaint was lacking in substance.

The allegation that the RC had failed to address distinct complaints

65 I have addressed this allegation at [18]–[28] above.

The allegation that there was a flawed assessment of the first head of complaint

66 Mr Lun says the RC focused on rebutting a contention that because it was Mr Seah's first disciplinary case, he must have lacked skill; he says the RC misunderstood what he was alleging under this head. Mr Lun says it "was not a claim of strict "inexperience = incompetence"" but rather that Mr Seah took on a case outside his depth and misled his client about his ability to handle it. He says Mr Seah fraudulently or improperly concealed his lack of relevant experience, lack of qualification, and incompetence, depriving Mr Lun of the

50 Claimant's Affidavit at p 120.

chance to make an informed choice of counsel, and then Mr Seah proceeded to handle the matter negligently.[51]

67 Mr Lun's attempt to recast his case does not help him. He continues to allege that Mr Seah *lacked skill*, and not merely that Mr Seah had *concealed* that. Indeed, Mr Lun recognises as much in his written submissions when he says the complaint "was about misrepresentation *and incompetence*" [emphasis added].[52] In the Complaint itself, Mr Lun alleged that Mr Seah, "by acting in his first ever disciplinary matter, could not be said to have the relevant knowledge, skills and attributes required for each matter undertaken on behalf of the client" (at [15] of the Complaint).

68 In that regard the RC said:[53]

> Again, we fail to see any facts in the complaints to substantiate the allegation that the Respondent lacked skill in legal representation other than the assertion that it is the first time that the Respondent has acted as lead counsel in a disciplinary matter. However, it cannot be logical that a lawyer would be considered of lacking skill in legal representation by virtue of the fact that it is the first time that a lawyer is acting on a matter.

69 Mr Lun recognises that the RC rebutted the contention that "because it was Mr Seah's disciplinary case, he must have lacked skill", which was the very contention that Mr Lun advanced in [15] of his Complaint. Mr Lun says that "[t]he RC found the logic unpersuasive – and on that point, as an abstract matter, one might agree".[54] Indeed, it was not irrational of the RC to reject Mr Lun's contention that because this was Mr Seah's "first ever disciplinary matter" (as

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51 Applicant's Written Submissions at [30], [35] and [38].

52 Applicant's Written Submissions at [38].

53 Claimant's Affidavit at p 154.

54 Claimant's Written Submissions at [30].

counsel for a lawyer facing disciplinary proceedings) he was grossly negligent or lacked the requisite skill for such representation.

70 Mr Lun did allege that Mr Seah "had fraudulently misrepresented that he has the necessary qualification and experience to advise and act for me on the matter" (at [49] of the Complaint). But that allegation begs the question whether (for the purposes of the first head of complaint) there was, in the first place, "want of skill" on Mr Seah's part.

71 It was 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. Moreover, in Mr Seah's response he had pointed out that he had years of experience in litigation,[55] had acted in DT proceedings *for the Law Society*,[56] and had sat on Inquiry Committees for many years.[57]

The allegation that the RC should not have accepted Mr Seah's account at face value

72 Mr Lun alleged that the RC "appears to have uncritically accepted Mr Seah's account of events without subjecting it to any scrutiny".[58] He did not, however, explain how he reached that conclusion from the RC report. Mr Lun went on to say that the contemporaneous communications and third-party statements from Mr Seah's colleagues Mr Kirindeep Singh and Ms Debby Lim (included with Mr Seah's response) corroborated his allegations that there were

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55 Law Society's Affidavit at p 59: Mr Seah's response at [46(a)].

56 Law Society's Affidavit at p 61: Mr Seah's response at [52].

57 Law Society's Affidavit at p 61: Mr Seah's response at [52].

58 Applicant's Written Submissions at [50].

discussions with other lawyers about the possibility of him appointing other lawyers, and whether this might be on a *pro bono* or "low bono" basis.[59] Mr Seah's response, however, does not rest on refuting the existence of such discussions. The point about potential appointment of senior counsel I have addressed above at [56]–[59]. The aspect of fees I address below at [77]–[93].

73 The RC report does not bear out Mr Lun's allegation that the RC "uncritically accepted Mr Seah's account of events without subjecting it to any scrutiny" over that of Mr Lun. Rather, the RC found that Mr Lun's Complaint lacked substance, having regard to the information provided by both the Complainant and the Respondent (which included contemporaneous documents that undermined Mr Lun's Complaint, as reviewed above at [46], [60] and [64]).

Second head of complaint: "gross overcharging and/or fraudulent concealment of basis on which professional fees were charged"

74 Mr Lun said that the RC's decision in relation to the second head of complaint was irrational. He said:

(a) the RC failed to address distinct complaints;[60]

(b) there was a flawed assessment of the first head of complaint;[61] and

(c) the RC should not have accepted Mr Seah's account at face value.[62]

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59 Applicant's Written Submissions at [51].

60 Applicant's Written Submissions at [25]–[29].

61 Applicant's Written Submissions at [30]–[38].

62 Applicant's Written Submissions at [50]–[54].

75 Again, I deal with these contentions in turn.

The allegation that the RC had failed to address distinct complaints

76 I have addressed this allegation at [18]–[28] above.

77 Further, in relation to the second head of complaint, Mr Lun suggested that the RC viewed the complaint as merely one of "overcharging simpliciter",[63] when he had alleged that there was "dishonest or improper conduct in the charging of fees, including misrepresentation and concealment" (second new head of complaint) and the failure to provide a fee estimate despite requests (third new head of complaint).[64]

78 The RC report does not bear out Mr Lun's criticism that the RC thought the second head of complaint was only about "overcharging simpliciter":

(a) The RC set out the second head of complaint exactly the way Mr Lun had in the Complaint: "gross overcharging and/or fraudulent concealment of basis on which professional fees were charged"[65] – one cannot conclude from that, that the RC only addressed its mind to "gross overcharging" and not also "fraudulent concealment of basis on which professional fees were charged".

(b) In dealing with the second head of complaint, the RC first addressed the basis of charging – it noted that there was a signed LOE providing for "the time costs basis on which the Respondent would be charging for the matter", which Mr Lun had failed to disclose; that the

63 Applicant's Written Submissions at [26].

64 Applicant's Written Submissions at [25].

65 Claimant's Affidavit at p 153.

invoice rendered was on the basis of time costs substantially discounted on a goodwill basis; and that there was no evidence that Mr Seah would be acting for Mr Lun on a pro bono basis.[66]

(c) Mr Lun had alleged in his Complaint that Mr Seah had failed to provide an estimate of fees (at [51(d)], [53], [65], [66], [70], [76], [77(c)]), but this was done to make good the second head of complaint, *ie*, gross overcharging and/or fraudulent concealment of basis on which professional fees were charged. This allegation was first introduced under the sub-heading "(a) Failure to advise the basis on which fees would be charged".[67] The thrust of the allegation is that despite Mr Lun's requests, Mr Seah did not provide fee estimates but instead failed to advise on the basis on which fees would be charged (and indeed, fraudulently concealed that Mr Seah intended to charge on the basis of time costs).

(d) Mr Lun's allegation at [51(a)] of his Complaint – that Mr Seah "had failed to advise me of the basis upon which his fees would be charged"[68] was flatly contradicted by the LOE, which provided for Dentons to charge on the basis of time costs.[69]

(e) Mr Seah denied receiving any requests for estimates, and pointed out that there was nothing in writing to evince Mr Lun's alleged requests for estimates, nor any complaint about lack of estimates – one might expect Mr Lun to have put something on this in writing, if he were to be

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66 Claimant's Affidavit at p 154.

67 Claimant's Affidavit at p 55.

68 Claimant's Affidavit at p 53.

69 Law Society's Affidavit at p 72: Mr Seah's response at [106]; Law Society's Affidavit at pp 264–267: Signed Letter of Engagement by Clarence Lun.

> believed that the point was important to him, and had repeatedly been raised, but to no avail.[70]

79 In the circumstances, it was not irrational for the RC to conclude that Mr Lun's allegation – that Mr Seah had fraudulently concealed an intention to charge on the basis of time costs – was lacking in substance, especially given that charging on the basis of time costs was the contractual basis stated in the LOE.

80 The RC went on to say that it "*also* notes that any concerns re overcharging could and should be addressed by the proper channel of a taxation process" [emphasis added].[71] This is a further indication that the RC did not merely deal with the second head of complaint by reference to the availability of taxation. In any event, as explained below at [95], the RC was entitled to deal with the second head of complaint in that manner.

81 The RC noted that Mr Seah had submitted the disputed bills for taxation (as a matter of record, this was done on 18 September 2024 in Bill of Costs 123"), and said "[i]t is for the Court to assess what the appropriate amount of the fees should be through the taxation process and not for the Committee to do so."[72]

82 In *Law Society of Singapore v Andre Ravindran Saravanpavan Arul* [2011] 4 SLR 1184 ("*Andre Arul*") the court of three judges said at [41]:

> 41 This is an appropriate juncture for us to mention that in future cases involving complaints of overcharging, the Law Society, instead of embarking on an investigation into the

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70 Law Society's Affidavit at pp 73–76: Mr Seah's Response at [111]–[117].

71 Claimant's Affidavit at p 154.

72 Claimant's Affidavit at p 154.

> complaint without more, should first advise or require the aggrieved party to apply to court to have the bill of costs taxed (where the bill in question is taxable, as in the present case). As alluded to above at [32], taxation is the most objective and conclusive way of determining the amount of fees a solicitor is entitled to. The opinion of another solicitor (called as an expert witness for the Law Society) on the matter, regardless of how eminent he may be, would ultimately still be a personal opinion and, thus, would not have the same degree of objectivity as a taxation done by the court. Further, it can be invidious for a solicitor to give expert evidence on the monetary value of another solicitor's professional services. For these reasons, we would advise that *vis-à-vis* future complaints of overcharging, the Law Society should not pursue such complaints without more (not even with the aid of expert evidence) if the bill in question is taxable. Instead, it should advise or require the aggrieved party to have the bill taxed first. The amount of fees awarded by the court upon taxation would then enable the Law Society to assess whether the aggrieved party's complaint of overcharging merits investigation (see, in this regard, *Wee Soon Kim Anthony v Law Society of Singapore* [2007] 1 SLR(R) 482 at[36]).

83 In line with the above, on 10 June 2024 the Law Society wrote to Mr Lun – the Law Society pointed out that an aspect of Mr Lun's Complaint was "gross overcharging", and said "[i]f the issue with your lawyer is about the quantum of his legal fees, you are required to first seek a determination by the Court through taxation of the bill(s) rendered by your lawyer. This requirement as made in a ruling by the Court of 3 Judges."[73]

84 Mr Lun replied by email on 11 June 2024, noting that in [41] of *Andre Arul*, the court had held that the Law Society should "advise or require" the aggrieved party to have the bill taxed first. However, he said he noted from the Law Society's website that it was "recommended" to get the bill of costs taxed by the court before filing a complaint against a lawyer for "overcharging", and so taxation was "not mandatory". Thus, Mr Lun informed the Law Society that

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[73] Law Society's Affidavit at [25]–[26]; Tab 1: p 34.

he wished to have all the limbs of complaints heard, "including on the complaint of overcharging".[74]

85 The court in *Andre Arul* at [41] did not merely say that the Law Society should "advise or require" the aggrieved party to have the bill taxed first. It said that "… *vis-à-vis* future complaints of overcharging, the Law Society should not pursue such complaints without more (not even with the aid of expert evidence) if the bill in question is taxable. Instead, it should advise or require the aggrieved party to have the bill taxed first." [underlining added for emphasis]

86 Despite the clear guidance given in *Andre Arul* at [41], Mr Lun insisted on proceeding with his complaint of overcharging despite the bills in question being taxable. His reference to the Law Society's website having expressed in softer terms that taxation was "recommended", cannot detract from what was decided by the court in *Andre Arul* at [41].

87 In view of the position taken by Mr Lun in his email of 11 June 2024, the Complaint as a whole was referred to the RC.

88 The RC's conclusion that it was for the court through the taxation process to assess what the appropriate amount of the fees should be, and not for the RC, is consonant with *Andre Arul*. Here, by 7 December 2023, Mr Seah had confirmed in writing to Mr Lun, "I note that you would like us to proceed to tax our bills."[75] On 18 September 2024, Dentons applied for taxation by Bill of Costs 123. It was against that backdrop that the RC issued its report on 24 October 2024.

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74 Law Society's Affidavit at [27]; Claimant's Affidavit at pp 160–162.

75 Law Society's Affidavit at p 58: Mr Seah's Response at[40]; Law Society's Affidavit at p 244: Message of 7 December 2023, 2:40:44am.

89 It was not irrational for the RC to conclude that the complaint of overcharging in relation to bills for which taxation was pending, was lacking in substance. As the court held in *Andre Arul* at [32] and [41], taxation is the most objective and conclusive way of determining the amount of fees a solicitor is entitled to. At the time of my decision, the taxation in Bill of Costs 123 was still pending; it has since been part-heard on 1 July 2025, and adjourned to 1 August 2025 for further hearing.

90 For completeness, although Mr Lun had instructed Dentons to tax its bills, he applied by HC/SUM 3129/2024 to stay Bill of Costs 123 in favour of arbitration. That stay application was dismissed by a registrar on 13 February 2025, Mr Lun's appeal against that decision by HC/RA 18/2025 was dismissed by a judge on 2 April 2025, and Mr Lun's application to the Court of Appeal by CA/OA 10/2025 for permission to appeal against the judge's decision was dismissed on 11 June 2025. As matters stand, Mr Lun is free to commence arbitration – if he wishes – on the issue of the alleged invalidity of the letter of engagement, but (as the Court of Appeal explained in *Lun Yaodong Clarence v Dentons Rodyk & Davidson LLP* [2025] SGCA 25 at [37]–[38]), that was not a good reason for staying the taxation.

91 As things stood before the RC, however, Mr Lun had yet to raise the matter of arbitration. The RC simply had before it bills for which taxation was pending, for which Mr Lun had alleged overcharging, a complaint that he insisted on proceeding with notwithstanding the decision in *Andre Arul*.

92 The RC's decision is not rendered irrational by Mr Lun subsequently raising the arbitration agreement in the LOE, such that *as things now stand* some of Mr Lun's allegations may proceed in arbitration, and some in taxation. The point remains that billing issues as between Mr Lun and Dentons can only be

conclusively determined in other *fora*, and not in disciplinary proceedings against Mr Seah.

93 The observations in *Nalpon (CA)* at [41] are also apposite in this regard. There, the court noted that at the time when the RC rendered its decision, the trial of the relevant suit was pending, and it would not have been unreasonable for the RC to have dismissed the complaints on the basis that an issue relevant to the complaints was one that ought to be decided by the court.

The allegation that there was a flawed assessment of the second head of complaint

94 Mr Lun said that the RC put heavy weight on the signed LOE which provided for billing based on time costs.[76] Mr Lun said the existence of the LOE does not exonerate Mr Seah if he later acted dishonestly or improperly in relation to fees – but the RC never suggested this to be the case.

95 Mr Lun then advanced an explanation of why he says the fee arrangement in the LOE had been superseded by specific fee agreements, with Dentons agreeing to charge $73,321.25 in its first invoice although its time costs amounted to $172,695, and $25,000 in its second invoice.[77] In his Complaint, Mr Lun never put forward this explanation, for the simple reason that he never told the RC about the LOE. Instead, he alleged at [51(a)] of his Complaint that Mr Seah "had failed to advise me of the basis upon which his fees would be charged", which (as noted above at [78(d)] was flatly contradicted by the LOE, which provided for Dentons to charge on the basis of time costs. The RC was

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76 Claimant's Written Submissions at [40].

77 Claimant's Written Submissions at [40]–[42].

quite entitled to deal with the Complaint based on the material before it, and to conclude that it was lacking in substance.

96 Moreover, Mr Seah explained in his response that Dentons' first two invoices were reckoned with reference to time costs, but with substantial goodwill discounts,[78] and that this had been conveyed to Mr Lun. For the first invoice, he told Mr Lun in an email of 11 November 2021 that "Management has approved a further reduction of the fees. With this further reduction, my time costs (including time entered as non-billable time as a goodwill gesture) would have been written off by 90% so that our total time costs (ex disb and GST) is slightly above the $70K requested".[79] For the second invoice, he told Mr Lun in an email of 14 January 2022 that "[o]ur actual time costs were much higher than this and were heavily discounted accordingly."[80] Mr Seah explained that there was no mutual understanding or agreement to vary the time costs basis that Mr Lun had agreed to in the LOE: see [108]–[109] of Mr Seah's response. The amounts billed were not, for instance, based on *pre-agreed* fixed fees or caps, prior to the work being done.

The allegation that the RC should not have accepted Mr Seah's account at face value.

97 I have addressed this at [72]–[73] above in relation to the first head of complaint. The same observations apply here.

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78 Law Society's Affidavit at p 72: Mr Seah's Response at [107].

79 Law Society's Affidavit at p 596: Annex BB – Email dated 11 November 2021 from Mark Seah to Clarence Lun enclosing Dentons Rodyk & Davidson LLP's Invoices and breakdown of billable time entered as "Non-billable" time as a gesture of goodwill.

80 Law Society's Affidavit at p 604: Annex BB – Email dated 14 January 2022 from Mark Seah to Clarence Lun enclosing Dentons Rodyk & Davidson LLP's Invoices and breakdown of billable time entered as "Non-billable" time as a gesture of goodwill.

98 The RC report does not bear out Mr Lun's allegation that the RC "uncritically accepted Mr Seah's account of events without subjecting it to any scrutiny" over that of Mr Lun. Rather, Mr Seah's response provided the RC with relevant information and documents – such as the LOE – that Mr Lun had failed to provide.

99 In the event, the RC found that Mr Lun's Complaint lacked substance, having regard to the information provided by both the Complainant and the Respondent (which included contemporaneous documents that undermined Mr Lun's Complaint, such as the LOE).

Procedural Impropriety

100 Mr Lun said that the RC's decision was also vitiated by procedural impropriety, in that (i) the RC had failed to ensure that Mr Lun had received notice of the RC's queries, and (ii) the RC had then relied on Mr Lun's failure to respond to those queries.[81]

101 The RC's queries were conveyed by a letter to Mr Lun dated 18 September 2024, [2] of which stated:[82]

> Pursuant to s 85(7) of the Act, the Committee would like to request a copy of the engagement letter entered into between the Complainant and Dentons Rodyk & Davidson LLP (if any), a confirmation of what fees if any were actually paid by the Complainant to Dentons Rodyk & Davidson LLP and an explanation of why the Complainant did not go to court to tax the bill and whether it is still possible for the Complainant to request for the court to tax the bill before coming to the Law Society.

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81 Claimant's Written Submissions at [56]–[66].

82 Law Society's Affidavit at [32]: Law Society's Affidavit at p 44.

102 That letter was sent by the Inquiry Panel Secretariat to the "hotmail" email address Mr Lun had used in corresponding with the Law Society about his complaint,[83] and no non-delivery or error message was received to indicate that the email to Mr Lun attaching the RC's letter of 18 September 2024 had not been received by Mr Lun.

103 In *Nalpon (CA)* at [45], the Court of Appeal agreed with the judge at first instance that a Review Committee "was not obliged to call for oral or documentary evidence" and "was entitled to assess the substance of the complaint on the basis of the materials before it". Mr Lun did not dispute that, but he argued that once the RC decided to pose queries to the complainant (as it did, by its letter of 18 September 2024) it had to ensure that those queries reached him, otherwise there was procedural impropriety. I did not accept that. The starting premise is that the RC was not obliged to pose queries to Mr Lun, and it was not obliged to afford Mr Lun a hearing. That does not change just because an email was sent with queries from the RC, which the RC did not receive a response to. Mr Lun submitted that the RC was obliged to send him a letter by registered post, or by courier; or to use an alternate email or contact method; or to send him a reminder when no response was received from him by the stated deadline – but all of these contentions would impose duties on the RC that it just does not have.

104 Mr Lun also suggested that the RC should have sent him Mr Seah's response for his comment[84] – but the RC had no duty to do that either.

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83 Law Society's Affidavit at [24]–[32].

84 Applicant's Written Submissions at [63].

105 Moreover, the RC's queries were answered by the information and documents provided by Mr Seah:

(a) the RC requested a copy of the engagement letter (if any) between Mr Lun and Dentons – a copy of the LOE was provided by Mr Seah;

(b) the RC asked for confirmation of what fees if any were actually paid by Mr Lun to Dentons – Mr Seah provided that information; and

(c) the RC asked for an explanation of why the Complainant did not go to court to tax the bill and whether it was still possible for the Complainant to request for the court to tax the bill before coming to the Law Society – Mr Seah responded that Dentons had applied for taxation, as instructed by Mr Lun.

106 It is hollow for Mr Lun to complain that he was denied an opportunity to be heard on these points, especially since he had in the first place failed to provide the RC with a copy of the LOE which provided for billing based on time costs. Instead, he simply alleged that his lawyer had fraudulently concealed the basis on which he proposed to charge.

107 As for Mr Lun's further point that the RC should not have relied on his failure to respond to the RC's queries, what the RC said in its report was:[85]

> The Committee wrote to both the Complainant and the Respondent requesting for further information. The Respondent responded with further information on 15 October 2024 but we did not receive any response from the Complainant to our queries.
>
> ……

[85] Claimant's Affidavit at p 154.

> On the second ground, the Committee notes that there was an engagement letter signed with the Respondent's law firm which clearly sets out the hourly charge rates of the lawyers working on the matter as well as the time costs basis on which the Respondent would be charging for the matter… Furthermore, the Complainant failed to disclose the existence of this engagement letter and had not responded to our specific queries on whether there was an engagement letter.

108 The RC factually recited that it had requested further information from both Mr Lun and Mr Seah, with only Mr Seah responding. There was also nothing in wrong in the RC saying that. The RC was also entitled to say that Mr Lun had failed to disclose the existence of the LOE. Indeed, Mr Lun ought to have done so.

109 There was no procedural impropriety to speak of.

Conclusion

110 For the above reasons, I concluded that Mr Lun had failed to disclose an arguable and *prima facie* case of reasonable suspicion in favour of the court making the orders that he wished to obtain by way of judicial review.

111 Accordingly, I dismissed his application for permission to seek judicial review, with costs in favour of the Law Society.

Andre Maniam
Judge of the High Court

Clarence Lun (Fervent Chambers LLC) for the applicant;
S Suressh and Cherrilynn Chia (Harry Elias Partnership LLP) for the respondent.
