

**IN THE COURT OF 3 SUPREME COURT JUDGES OF  
THE REPUBLIC OF SINGAPORE**

**[2025] SGHC 234**

Originating Application No 16 of 2023

Between

The Law Society of Singapore

*... Applicant*

And

Yeo Yao Hui, Charles (Yang  
Yaohui)

*... Respondent*

Originating Application No 6 of 2024

Between

The Law Society of Singapore

*... Applicant*

And

Yeo Yao Hui, Charles (Yang  
Yaohui)

*... Respondent*

Originating Application No 7 of 2024

Between

The Law Society of Singapore

*... Applicant*

And

Yeo Yao Hui, Charles (Yang  
Yaohui)

*... Respondent*

Originating Application No 12 of 2024

Between

The Law Society of Singapore

*... Applicant*

And

Yeo Yao Hui, Charles (Yang  
Yaohui)

*... Respondent*

Originating Application No 14 of 2024

Between

The Law Society of Singapore

*... Applicant*

And

Yeo Yao Hui, Charles (Yang  
Yaohui)

*... Respondent*

---

## **JUDGMENT**

---

[Legal Profession — Professional conduct — Breach]

[Legal Profession — Professional conduct — Grossly improper conduct]

[Legal Profession — Show cause action — Section 98(1)(a)(i) Legal Profession Act]

## TABLE OF CONTENTS

---

|   |           |
|---|-----------|
| <b>INTRODUCTION</b> .....   | <b>1</b>  |
| <b>FACTUAL BACKGROUND</b> .....   | <b>5</b>  |
| THE RESPONDENT.....   | 5         |
| FACTUAL MATRIX OF THE APPLICATIONS.....   | 6         |
| <i>The SAR Charges</i> .....  | 6         |
| <i>The Workplace Injury Charges</i> .....   | 10        |
| (1) OA 16.....  | 11        |
| (2) OA 6.....   | 14        |
| (3) OA 7.....   | 17        |
| <i>The Court Conduct Charges</i> .....  | 19        |
| <i>The Social Media Charges</i> .....   | 24        |
| PROCEDURAL HISTORY.....   | 32        |
| <i>The DT Proceedings</i> .....   | 32        |
| <i>Substituted Service Summonses</i> .....  | 36        |
| <i>Notice of the C3J Proceedings</i> .....  | 37        |
| <b>ISSUES TO BE DETERMINED</b> .....  | <b>39</b> |
| <b>ISSUE 1: WHETHER THE CONVICTIONS ON THE SAR CHARGES SHOULD BE AFFIRMED</b> ..... | <b>39</b> |
| THE DT’S CONVICTIONS.....   | 39        |
| THE SOCIETY’S SUBMISSIONS.....  | 40        |
| OUR DECISION: THE SAR CHARGES ARE SATISFIED BEYOND A REASONABLE DOUBT .....         | 40        |

**ISSUE 2: WHETHER THE CONVICTIONS ON THE  
WORKPLACE INJURY CHARGES SHOULD BE AFFIRMED .....46**

THE DT’S CONVICTIONS.....46

    (1) OA 16.....46

    (2) OA 6.....47

    (3) OA 7.....49

THE SOCIETY’S SUBMISSIONS.....51

OUR DECISION: THE WORKPLACE INJURY CHARGES ARE SATISFIED  
BEYOND A REASONABLE DOUBT .....53

*The charges do not require a solicitor-client relationship* .....55

*The failure to perform customer due diligence* .....64

*The failure to confirm instructions or his authority to act*.....66

*Acting without authority*.....72

*The failure to supervise Mr Ranjit* .....75

**ISSUE 3: WHETHER THE CONVICTIONS ON THE COURT  
CONDUCT CHARGES SHOULD BE AFFIRMED .....76**

THE DT’S CONVICTIONS.....76

THE SOCIETY’S SUBMISSIONS.....78

OUR DECISION: THE COURT CONDUCT CHARGES ARE SATISFIED  
BEYOND A REASONABLE DOUBT .....79

**ISSUE 4: WHETHER THE CONVICTIONS ON THE SOCIAL  
MEDIA CHARGES SHOULD BE AFFIRMED .....86**

THE DT’S CONVICTIONS.....86

THE SOCIETY’S SUBMISSIONS.....88

OUR DECISION: THE SOCIAL MEDIA CHARGES ARE SATISFIED BEYOND  
A REASONABLE DOUBT .....89

|  |            |
|--|------------|
| <b>ISSUE 5: WHAT THE APPROPRIATE SENTENCE TO BE<br/>METED OUT TO THE RESPONDENT IS CONSIDERING THE<br/>TOTALITY OF HIS OFFENDING .....</b> | <b>96</b>  |
| THE SOCIETY’S SUBMISSIONS.....   | 96         |
| OUR DECISION: THE RESPONDENT IS HEREBY STRUCK OFF THE ROLL OF<br>ADVOCATES AND SOLICITORS .....  | 97         |
| <b>CONCLUSION.....</b>   | <b>106</b> |

**This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher’s duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.**

**Law Society of Singapore**  
**v**  
**Yeo Yao Hui Charles (Yang Yaohui) and other matters**

**[2025] SGHC 234**

Court of 3 Supreme Court Judges — Originating Applications Nos 16 of 2023 and 6, 7, 12 and 14 of 2024

Sundaresh Menon CJ, Tay Yong Kwang JCA and Steven Chong JCA

11 September 2025

28 November 2025

Judgment reserved.

**Steven Chong JCA (delivering the judgment of the court):**

**Introduction**

1 To don the title of an advocate and solicitor is more than a mere vocation – all legal practitioners are officers of the Supreme Court and are thereby “called to be ministers in the temple of justice” (see *Re Tay Quan Li Leon* [2022] 5 SLR 896 at [1]). Given the centrality of the role that lawyers play in facilitating both the proper dispensation of justice by courts and the practical access of laymen to the effective vindication of their rights, it is paramount that *all* lawyers be persons of honour, integrity, and rectitude, possessing the necessary character traits to competently discharge their duties to the court, their clients, and society at large.

2 The present case involves five applications brought by the Law Society of Singapore (the “Society”) against the respondent advocate and solicitor,

Mr Yeo Yao Hui, Charles (Yang Yaohui), praying that he be made to suffer such sanctions as provided under s 98(1) of the Legal Profession Act (Cap 161, 2009 Rev Ed) (the “LPA (Cap 161)”) or the Legal Profession Act 1966 (2020 Rev Ed) (the “LPA”), depending on the date of the individual offences, as the Court of 3 Supreme Court Judges (the “C3J”) thinks fit (collectively, the “Applications”).

3 The charges faced by the respondent are divisible into four categories of offending:

(a) all the charges in C3J/OA 14/2024 (“OA 14”), concerning breaches of the Legal Profession (Solicitors’ Accounts) Rules (the “SAR”) arising out of the respondent’s mismanagement of clients’ moneys and the accounting records of a branch office of his then-law firm (collectively, the “SAR Charges”);

(b) all the charges in C3J/OA 16/2023 (“OA 16”), C3J/OA 6/2024 (“OA 6”), and C3J/OA 7/2024 (“OA 7”) (collectively, the “Workplace Injury OAs”), arising out of the respondent’s failure to directly communicate with three migrant worker complainants (the “Complainants”) to verify their identity and instructions as he purported to act for them in relation to their workplace injury suits (collectively, the “Workplace Injury Charges”);

(c) the first four charges in C3J/OA 12/2024 (“OA 12”), arising out of the respondent’s misconduct in handling the related criminal review and judicial review applications of two prisoners on death row, which abused the court’s process and misrepresented facts to the judge that were material to those applications (collectively, the “Court Conduct Charges”); and

(d) the last four charges in OA 12, arising out of the contents of the respondent’s publications made through his Instagram account, which impugned the integrity of the Judiciary and the Attorney-General, among others, prejudicing the proper functioning of the legal system in Singapore (the “Social Media Charges”).

4 Having considered the Society’s submissions before us and the convictions of the disciplinary tribunals (“DT”) below, we find that all the charges are made out beyond a reasonable doubt and uphold the convictions against the respondent. The objectives of the regulatory regime over the legal profession – particularly, the need to protect the general public from delinquent lawyers, to uphold public confidence within the legal profession, and to safeguard the integrity of the due administration of justice in Singapore (see *Re Mohamad Shafee Khamis* [2024] 6 SLR 173 at [129]–[130] and *Law Society of Singapore v Ravi s/o Madasamy and another matter* [2024] 4 SLR 1441 (“*M Ravi (2024)*”) at [54(a)]–[54(b)]) – would warrant no other sanction, in the light of the totality of the respondent’s misconduct, save only an order striking him off the roll of advocates and solicitors of the Supreme Court.

5 The respondent’s failings went far beyond one-off lapses, which could be explained away as occasional deficiencies of judgment. To the contrary, the gross extent of his breaches, both in terms of the *quantity* of offending incidents, reflecting their systemic and repeated nature, and the *quality* of his misconduct, which fell far short of the rudimentary level of integrity, probity, and trustworthiness which is expected of any member of an honourable profession (see *Law Society of Singapore v Ravindra Samuel* [1999] 1 SLR(R) 266 at [14]), unequivocally signified his serious defects of character that rendered the respondent manifestly unfit to remain an officer of the court and an advocate and solicitor in Singapore. Indeed, we note that it is uncommon for an advocate

and solicitor to be found guilty of breaching *all* the duties highlighted at [3(a)]–[3(d)] above, each of which operates as a *core* duty of an advocate and solicitor.

6 The respondent’s unfitness is evidenced by his clear inability to fulfil the essential responsibilities of a legal practitioner. The cumulative effect of all his ethical transgressions paints the picture of a legal practitioner who:

(a) held a cavalier disregard for prophylactic safeguards designed to protect clients who entrust lawyers with the unique privilege of holding their moneys, with all the responsibilities that that entails (see *Law Society of Singapore v Tan Chwee Wan Allan* [2007] 4 SLR(R) 699 at [29]);

(b) failed to appreciate a lawyer’s vital function to act with due diligence to safeguard his or her client’s best interests (see *Law Society of Singapore v Tan Phuay Kiang* [2007] 3 SLR(R) 477 at [20], [47] and [62]), necessarily requiring one to ascertain who one’s client is and what one’s client’s *actual* instructions are;

(c) flouted an advocate’s most central duty to the court, namely, the duty of candour, to ensure untruths are not told and material facts are not suppressed so as to mislead the judge and impair the proper administration of justice (see *Attorney-General v Shahira Banu d/o Khaja Moinudeen* [2024] 4 SLR 1324 at [33]); and

(d) so consistently conducted himself on a public platform with such an unbecoming comportment as to bring disrepute to the honourable profession of which he was a representative (see *Law Society of Singapore v CNH* [2022] 4 SLR 482 at [68]–[70]).

By the totality of the above, he has thereby shown himself to be thoroughly unfit to wear the mantle of membership in this venerable profession of law.

7 For these reasons, we are amply satisfied that due cause of sufficient gravity is made out *per* ss 83(2) of the LPA (and the LPA (Cap 161), as the case may be) and the only appropriate penalty is for the respondent to be struck off the roll forthwith. We proceed to elaborate on our reasons for so concluding.

### **Factual background**

#### ***The respondent***

8 The respondent was admitted to the roll of advocates and solicitors on 27 August 2016 (*vide*, HC/AAS 421/2016). Within the material period of his offending, he held the following practising certificates (“PC”):

- (a) a PC from 20 April 2020 to 31 March 2021 to practise as a legal assistant at the law practice of L F Violet Netto in HC/PC 5617/2020;
- (b) a PC from 20 April 2021 to 31 March 2022 to practise as a director at Whitefield Law Corporation (“Whitefield”) in their office at Roberts Lane in HC/PC 5968/2021; and
- (c) a PC from 14 June 2022 to 31 March 2023 to practise as a legal assistant at S K Kumar Law Practice LLP (“S K Kumar”) in HC/PC 6139/2022.

9 Accordingly, the respondent did not hold a valid PC in force for the period of 1 April 2022 to 13 June 2022, *ie*, between [8(b)] and [8(c)] above.

10 In addition to the charges in the Applications, the respondent was also sanctioned by the DT in *The Law Society of Singapore v Yeo Yao Hui Charles* [2023] SGDT 21 (the “DT Report (2023)”), which found him guilty of three charges pertaining to another workplace injury legal matter of a Bangladeshi worker (see the DT Report (2023) at [17]): by acting for that complainant while failing to keep him reasonably informed on a timely basis of the progress of his suit (see the DT Report (2023) at [38] and [56]); failing to supervise Mr Saha Ranjit Chandra (“Mr Ranjit”) to whom he had given instructions to inform the complainant of the agreed quantum of the settlement (see the DT Report (2023) at [76]–[77] and [80]); and failing to properly supervise Mr Ranjit in paying all moneys in that settlement due to him as compensation in a timely manner (see the DT Report (2023) at [99] and [102]–[103]). These offences took place in the period of November 2020 to December 2021 (see the DT Report (2023) at [18] and [33]–[34]).

11 On 30 November 2023, the DT for the above offences decided that, on the convicted charges, there was no due cause of sufficient gravity for a referral to the C3J and imposed a fine of \$10,000 (see the DT Report (2023) at [113]–[114]). In so doing, the DT noted that the complainant in this instance received his full compensation though not timeously, and at the time of the report, the DT was not aware of the subject-matters or the outcomes of the respondent’s other disciplinary proceedings (see the DT Report (2023) at [111] and [113]).

### ***Factual matrix of the Applications***

#### *The SAR Charges*

12 In or around February 2022, an accountancy practice in Singapore, Foo Kon Tan LLP (“FKT”), was appointed by the Society to inspect the books of account of Whitefield, in which the respondent was a director. The period under

investigation spanned 1 November 2020 to 31 August 2021 (“Relevant Period”). The Society requested the production of Whitefield’s books of account from the respondent under r 12 of the SAR on 22 February 2022, and the respondent provided, *inter alia*, a profit and loss statement and balance sheet to the Society on 25 February 2022, which were forwarded to FKT for review.

13 What followed was a series of correspondences and meetings between FKT and the respondent in which FKT requested additional information from the respondent, only some of which were eventually furnished by him. Crucially, at a meeting dated 18 April 2022, the respondent had represented to FKT that Whitefield operated two *de facto* independent branch offices, and it was only the Roberts Lane office which the respondent had charge of. The bank account ending in 2738 was the Roberts Lane branch’s client account, and the one ending in 9931 was the Robert Lane branch’s office account (the “Client Account” and “Office Account”, respectively), standing in contradistinction to the client and office accounts of Whitefield’s Chander Road branch office.

14 Moreover, at that April 2022 meeting, FKT requested the client ledger and the general ledger for the Roberts Lane office from the respondent by 4 May 2022. These were not provided on time by the respondent, who sought a series of extensions before furnishing a client account ledger on 25 May 2022.

15 A further meeting was convened on 20 June 2022, in which FKT sought additional documents from the respondent by 27 June 2022, including, *inter alia*, correspondence with insurers relating to payments of compensation moneys for migrant worker clients of the Roberts Lane office in regard to their workplace injury-related legal matters. An email sent by FKT to the respondent on 20 June 2022 read as follows:

Thank you for attending the clarification meeting. As discussed, you will attempt to provide the following documents

- 1) correspondences from insurers and signed/stamped form 9I for highlighted cases (refer to the attached files that was provided in our earlier email dated 15 June 2022)
- 2) for case PI-0249 (MIA SOHEL), please provide the correct correspondence from the insurer

Please furnish the aforementioned documents by 27 June 2022. In the event that you are not able to retrieve the documents, please provide an update.

Regards

Keng Chong

16 The respondent again sought an extension of time, which FKT granted, requesting that the documents be furnished by 8 July 2022. The respondent did not furnish the documents by this deadline or at all, despite FKT providing a list of clients and the corresponding insurers on 30 June 2022, with the respondent acknowledging his receipt of that email.

17 On 21 July 2022, FKT sent an email to the respondent, which stated:

Dear Charles

We have not received any documents from the insurance companies. We will proceed to finalise the audit on the basis that such documents were not made available.

Regards

Keng Chong

18 The respondent replied *via* email the same day, stating that he “agree[d] with what [FKT] have said”, and providing an email from an insurer in respect of one client. No further information was provided to FKT by the respondent after 21 July 2022. Based upon the information available, FKT finalised its report on 7 September 2022 (revised for clarity on 19 March 2024), which it produced for the Society (the “FKT Report”).

19 The FKT Report identified *at least* 185 breaches of the SAR during the Relevant Period. Those identified breaches may be divided into four classes:

(a) 61 occasions between 5 November 2020 and 30 August 2021 in which r 8(4) of the SAR was breached, *viz*, moneys were withdrawn from the Client Account by way of cash cheques without permission of the General Division of the High Court.

(b) 51 occasions between 5 November 2020 and 30 August 2021 in which r 8(5) of the SAR was breached, *viz*, moneys exceeding \$5,000 were withdrawn from the Client Account *via* cash cheques with only one signatory instead of the required two.

(c) 16 occasions between 28 December 2020 and 26 February 2021 in which r 3(1) of the SAR was breached, *viz*, client moneys were not deposited into the Client Account as required but in the Office Account instead.

(d) Another 57 breaches of the requirements concerning financial records and accounting documentation under r 11 of the SAR, which may be further subdivided into the following:

(i) A failure to maintain an accurate profit & loss statement and balance sheet by including moneys held on behalf of clients as part of the firm's revenue in breach of r 11(1)(a) of the SAR.

(ii) A failure to properly maintain the firm's account ledger by failing to contemporaneously document client moneys paid or received in breach of rr 11(1)(a) r/w 11(2) of the SAR.

(iii) Failure to properly keep and maintain vouchers of payments from the Client Account on ten instances, to keep and

maintain insurers' correspondence confirming settlement sums for five transactions, to keep and maintain records of insurers' correspondence confirming a settlement sum and deduction of legal fees therefrom in bank statements in relation to one client, and to keep and maintain records justifying one occasion where no legal fees were deducted from a settlement sum on or around 12 July 2021, all in breach of r 11(1) of the SAR.

(iv) 34 occasions between 21 March 2021 and 22 July 2021 in which transfers from the Client Account to the Office Account for legal fees agreed upon with clients were not recorded in the cash book and sales ledger, in breach of r 11(2) of the SAR.

(v) A failure to reconcile the Client Account bank statement and cash book as of 31 August 2022 in breach of r 11(4) of the SAR.

(vi) A failure to keep a record of all bills of costs and written intimations of the amount of solicitor's costs incurred and delivered to clients and/or to provide a notification that moneys held on their behalf would be applied in satisfaction of those costs on two instances (on or around 5 November 2020 and 12 July 2021), in breach of rr 11(3) r/w 13 of the SAR.

### *The Workplace Injury Charges*

20 As outlined at [3(b)] above, the Workplace Injury Charges arise from three separate OAs in respect of three distinct Complainants. While there are some differences between the facts involved in each of the Workplace Injury OAs, they broadly share the same underlying facts. In gist, three Bangladeshi migrant workers suffered workplace injuries in Singapore and initially engaged

Joseph Chen & Co (“JCC”) to represent them in suits against their employers. The workers had never communicated with the respondent, much less authorised him to act on their behalf. However, the respondent relied almost entirely on Mr Ranjit as the bridge of communication between himself and the workers, and various forged documents, to take over conduct of the workers’ suits. As a result, the workers’ claims were settled without their knowledge or authorisation. In two of the three applications (OAs 16 and 7), the workers never received any part of their settlement sum. The worker complainant in OA 6 realised that things were amiss and intervened before the settlement sum was paid out to the respondent. However, in the end, most of the sum still ended up being paid to Mr Ranjit and JCC.

21 It is unclear who forged the documents, which include discharge letters, discharge vouchers, powers of attorney, and warrants to act. The Society did not take the position that the respondent was dishonest. Neither did the DTs find that he was dishonest. Instead, their position is that the respondent was grossly negligent and had unduly relied on Mr Ranjit. As a result, the respondent faced multiple charges by the Society which broadly relate to: (a) his failure to ascertain his purported clients’ identities and instructions with them directly; (b) his failure to ensure that Mr Ranjit had authority to convey instructions on their behalf; and (c) his acting on unverified instructions to settle the Complainants’ suits and disburse settlement sums to Mr Ranjit.

(1) OA 16

22 On 30 December 2017, Mr Sikder Md Shalim (“Mr Sikder”) sustained a workplace injury while employed by Maxxa Pte Ltd (“Maxxa”). Mr Sikder commenced DC/DC 2381/2018 (“DC 2381”) against Maxxa in October 2018 and hired JCC to represent him. At all times, Mr Sikder communicated with

JCC through Mr Ranjit, who represented himself as a “junior lawyer” despite not being in fact an Advocate and Solicitor of the Supreme Court of Singapore. Mr Sikder was persuaded by Mr Ranjit to pursue the suit, instead of a claim under the Work Injury Compensation Act (Cap 354, 2009 Rev Ed) (“WICA”).

23 Mr Sikder returned to Bangladesh on 15 November 2018. Between 4 November 2020 and 4 March 2021, the following events occurred without Mr Sikder’s knowledge:

- (a) a full and final settlement was concluded in respect of DC 2381, where Maxxa’s insurer, China Taiping (Singapore) (“China Taiping”), agreed to pay \$41,821.80 to Mr Sikder;
- (b) the respondent filed a Notice of Change of Solicitor (“NOC”) in DC 2381 purportedly on Mr Sikder’s behalf and took over the suit;
- (c) China Taiping made payment of \$41,821.80, whereby \$32,584.00 was paid to Whitefield (the full sum of which was then subsequently paid out to Mr Ranjit) and the remaining \$9,237.80 was paid to JCC; and
- (d) the respondent filed a Notice of Discontinuance in DC 2381, purportedly on Mr Sikder’s behalf.

24 It was not until early 2021, and with the aid of a local non-governmental organisation, Transient Workers Count Too (“TWC2”), that Mr Sikder discovered what had transpired. Upon further communication with Maxxa and China Taiping, multiple documents which were purportedly signed by Mr Sikder were uncovered. These were not actually signed by Mr Sikder:

(a) A power of attorney (“POA”), allegedly notarised in Bangladesh, which appointed the respondent to “take charge, manage and represent” Mr Sikder in all matters connected with DC 2381, to “settle any claim” made by Mr Sikder, “accept any compensation and/or [d]amages payable” to Mr Sikder, that all moneys due to Mr Sikder would be issued in favour of Whitefield, and that the respondent is entitled to deduct all advances made to Mr Sikder and/or all other payments incurred by him from the amount of compensation or damages recovered.

(b) A discharge voucher setting out Mr Sikder’s acceptance of the DC 2381 settlement and agreement to payment being made in the manner stipulated at [24(a)] above.

25 Mr Sikder also received from China Taiping copies of cheques and payment vouchers demonstrating that the settlement sum had been duly paid to JCC and Whitefield. On 1 July 2021, Mr Sikder emailed the respondent demanding the payment of \$32,584.00. In their email exchange between 1 and 4 July 2021, the respondent expressed doubt as to whether these emails were actually sent by the “real” Mr Sikder, but stated that he would look into the matter regarding the settlement sum.

26 On 8 July 2021, the respondent replied to Mr Sikder, claiming to have conferred with his client, the “real” Mr Sikder, who confirmed that the earlier emails between 1 and 4 July 2021 were not sent by him. The respondent also stated that the “real” Mr Sikder had appointed Mr Ranjit as donee of the POA, entitling Mr Ranjit to receive \$33,000 as repayment for a loan advanced on “compassionate grounds” towards Mr Sikder, and also empowering Mr Ranjit

to apply to change the solicitor on record for DC 2381. The respondent then accused Mr Sikder of either perpetrating an online scam or of harassment.

27 On 27 September 2021, Mr Sikder lodged a complaint to the Society against the respondent, pursuant to s 85(1) of the LPA (Cap 161).

(2) OA 6

28 Mr Ali Zulfikar (“Mr Zulfikar”) sustained a workplace injury at a worksite belonging to Keppel Shipyard Limited (“Keppel Shipyard”), while he was employed by Alpine Engineering Services Pte Ltd (“Alpine Engineering”). With the assistance of his lawyers at the time, S K Kumar, Mr Zulfikar filed a claim under the WICA against Alpine Engineering. On or around 1 August 2018, Mr Zulfikar received a Notice of Assessment of Compensation under the WICA, which assessed the compensation payable to him as \$14,320.80.

29 In early August 2018, when Mr Zulfikar was leaving the office of the Ministry of Manpower (“MOM”), he was approached by an individual who introduced himself as someone who was working for Mr Ranjit. Mr Zulfikar was eventually persuaded to discontinue his claim under the WICA, transfer his case to JCC, and pursue damages by way of a civil suit instead. Mr Zulfikar was under the impression that Mr Ranjit was the lawyer taking charge of his suit. The former returned to Bangladesh in late 2018.

30 On 17 July 2019, JCC commenced the suit against Alpine Engineering and Keppel Shipyard (“DC 2172”). The defendants in that suit were insured by NTUC Income Co-operative Limited (“NTUC”), which was represented by WhiteFern LLC (“WhiteFern”). Towards the end of 2020, Mr Ranjit stopped responding to Mr Zulfikar.

31 Subsequently, DC 2172 was settled without Mr Zulfikar’s knowledge. On 3 November 2020, JCC sent an email to WhiteFern confirming acceptance, purportedly on behalf of Mr Zulfikar, of the settlement terms in DC 2172. In gist, in full and final settlement of the claim, the defendants would pay \$37,465.40 in total, including costs and disbursements.

32 Between 23 and 24 November 2020, the following three documents were allegedly signed by Mr Zulfikar (the “Three OA 6 Documents”). The respondent allegedly received these documents from Mr Ranjit sometime prior to or on 29 November 2020:

- (a) A letter from Mr Zulfikar to JCC, discharging JCC and appointing Whitefield to act for Mr Zulfikar in relation to the accident.
- (b) A warrant to act (“WTA”) which authorised and appointed Whitefield to act as a solicitor for Mr Zulfikar.
- (c) A POA which appointed the respondent to be the donee of the POA, which was notarised in Bangladesh. The POA essentially authorised the respondent to take any necessary action on behalf of Mr Zulfikar in connection with the prosecution of DC 2172 and/or the damages claimed. In particular, the POA authorised the respondent to settle DC 2172, claim and accept compensation and/or damages in relation to DC 2172, and deduct from the settlement sum all legal costs, disbursements, “advances” made to Mr Zulfikar and any other payments incurred. This is substantively similar to the forged POA in OA 16 at [24(a)] above.

33 Mr Zulfikar did not sign these documents, and did not know of the existence of the Three OA 6 Documents until sometime in April 2021.

Mr Zulfikar also never met the notary public, Ms Asma Khatun, who supposedly attested to the POA's execution.

34 There was an apparent dispute as to which firm (Whitefield or JCC) had the authority to receive the discharge voucher for the settlement sum from WhiteFern. The respondent believed he was authorised to act on behalf of Mr Zulfikar on the basis of the Three OA 6 Documents that he had received from Mr Ranjit. Between 27 November 2020 and 8 March 2021, no less than 12 competing notices of change or appointment of solicitor were filed by either the respondent or JCC, with each party asserting that they had conduct of the suit. The respondent was responsible for filing six such notices. We will go into further detail on this at a later juncture, when setting out the extent of the respondent's gross negligence in the face of glaring red flags.

35 On or around 8 February 2021, Mr Ranjit informed Mr Zulfikar that DC 2172 had been settled. This was the first time Mr Zulfikar learnt that there had been a settlement. However, Mr Ranjit refused to disclose the settlement sum quantum to Mr Zulfikar, unless the latter agreed to prepare a video recording of himself reading out loud the following statement, which was prepared by Mr Ranjit:

I am Ali Zulfikar, bearing passport number [redacted], Fin No: [redacted]. I am a plaintiff in the common law suit DC/DC 2172/2019. My accident date was 15 February 2018.

I would like to state that on 23 November 2020, I have appointed WhiteField Law Corporation as my solicitor for my common Law Claim. I also discharged my previous law firm.

Mr Charles Yeo has communicated with me regarding the settlement that he has effected on my behalf. I wish to ratify the settlement which is enclosed with the present email and I had previously executed in favour of Mr Yeo a POA on 24 November 2020.

I would like to request you to issue my settlement cheque to WhiteField Law Corporation as soon as possible.

36 After receiving the above message, Mr Zulfikar suspected that Mr Ranjit was attempting to defraud him. This was the first time that Mr Zulfikar heard of Whitefield or the respondent, as he had never spoken to or received correspondence from either of them. He refused to prepare the video recording. Instead, on 26 February 2021, Mr Zulfikar sent an email to NTUC to stop payment of any cheques. This was on or around the same time that Mr Zulfikar contacted TWC2 to seek their assistance to find out about the settlement of DC 2172. On 11 March 2021, the president of TWC2, Ms Debbie Fordyce, was authorised by Mr Zulfikar to contact NTUC on his behalf about the settlement. As a result, although WhiteFern had released the settlement cheque to the respondent, NTUC stopped the payment.

37 NTUC paid the balance of the settlement sum directly to Mr Zulfikar’s Bangladeshi bank account, but the sum was eventually disbursed in the following manner: (a) \$18,000 was ordered to be paid to Mr Ranjit in settlement of another suit between Mr Ranjit and Mr Zulfikar; (b) \$9,758.15 was to be paid to JCC for solicitor-and-client costs and disbursements; and (c) the balance, \$9,707.25, was paid to Mr Zulfikar.

38 On 3 May 2022, pursuant to s 85(1) of the LPA (Cap 161), Mr Zulfikar filed a complaint against the respondent to the Law Society.

(3) OA 7

39 On 5 October 2018, Mr Sarker Sharif (“Mr Sarker”) sustained workplace injuries when he was employed by Full Moon Marine & Engineering Pte Ltd (“Full Moon”). Mr Sarker originally engaged S K Kumar to assist with

the filing of his WICA claim. In or about December 2018, Mr Ranjit approached Mr Sarker while the latter was leaving the MOM office. Similar to what transpired with Mr Sikder and Mr Zulfikar, Mr Sarker was eventually persuaded to engage JCC and discharge S K Kumar, and to pursue a civil suit in place of a WICA claim. On Mr Ranjit's instructions, Mr Sarker signed and thumb-printed several *blank* documents, which Mr Ranjit represented as necessary for court submissions.

40 Mr Sarker left Singapore on 10 July 2019. A few months later, on 18 December 2019, JCC filed DC/DC 3736/2019 ("DC 3736") on Mr Sarker's behalf. Between 7 August and 4 November 2020, without Mr Sarker's knowledge, the respondent took charge of the suit and DC 3736 was settled:

(a) An NOC was filed, appointing Mr Govindan Balan Nair ("Mr Nair") and the respondent as Mr Sarker's solicitors. In this regard, there was also a letter, purportedly sent by Mr Sarker to JCC, dated 26 February 2022, stating that Mr Sarker wished to discharge JCC and appoint Whitefield instead.

(b) A full and final settlement was entered into in respect of DC 3736. Full Moon's insurers, AIG Asia Pacific Insurance Pte Ltd ("AIG"), agreed to pay \$30,000 to Mr Sarker. The settlement was accompanied by a discharge voucher, by which Mr Sarker purportedly acknowledged receipt of the \$30,000 payment from AIG. The discharge voucher was signed by the respondent on behalf of Mr Sarker, and by Mr Ranjit as a witness.

(c) \$23,000 was paid to Mr Ranjit, and the remaining \$7,000 was retained by Whitefield as legal costs.

41 Mr Sarker contacted TWC2 to seek assistance in respect of his claim. In this manner, Mr Sarker discovered that his suit was settled and had sight of the various forged documents.

42 On 22 March 2022, Mr Sarker filed his complaint against both the respondent and Mr Nair to the Society. Mr Nair passed away on 5 January 2023 and the DT proceedings in OA 7 thus only concerned the complaint against the respondent.

#### *The Court Conduct Charges*

43 Two prisoners on death row, Mr Roslan bin Bakar and Mr Pausi bin Jefridin (collectively, the “Prisoners”), were convicted and sentenced to death for drug trafficking offences under s 33 of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) (the “MDA”) on 22 April 2010. Their appeals against conviction and sentence were dismissed by the Court of Appeal on 17 March 2011 (see *Roslan bin Bakar and others v Public Prosecutor* [2022] 1 SLR 1451 (the “Criminal Review GD”) at [14]).

44 In June to July 2016, the Prisoners filed applications to be re-sentenced *per* the alternative sentencing regime enacted in the interim by Parliament under s 33B of the MDA. These applications were heard together by the High Court and dismissed in November 2017, finding, *inter alia*, that the Prisoners did not suffer from any “abnormality of mind” *per* s 33B(3)(b) of the MDA (the “Re-Sentencing Decision”). The Court of Appeal dismissed their appeals against the Re-Sentencing Decision in September 2018 (see the Criminal Review GD at [15]).

45 The Prisoners were scheduled to be executed on 16 February 2022. In the evening of 14 February 2022, the respondent filed, on the Prisoners’ behalf,

the application in CA/CM 6/2022 (the “Criminal Review Application”) before the Court of Appeal. The supporting affidavit was deposed to by the respondent, who provided four reasons for permission to be granted to review the Court of Appeal’s earlier affirmation of the Re-Sentencing Decision under s 394H of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) (the “CPC”) (see the Criminal Review GD at [17]):

(a) The general principle is that the presence of mental disorder as opposed to an abnormality of mind *per se* may operate at any stage of a capital case as a bar to trial or conviction, the imposition of a death sentence or the carrying out of a death sentence.

(b) In *Pitman v State of Trinidad and Tobago; Hernandez v State of Trinidad and Tobago* [on appeal from the Court of Appeal of Trinidad and Tobago] [2018] AC 35, the Privy Council confirmed that executing offenders suffering from substantial mental impairment would violate the constitutional prohibition of cruel and unusual punishment. Hence, the execution of the death sentence imposed on the applicants would be unconstitutional.

(c) The underlying principle in the common law is firstly that nobody should be convicted of a capital offence, sentenced to death or executed if they were suffering from significant mental disorder at the time of the offence. And secondly, nobody should be sentenced to death or executed if the mental disorder develops later and is present at the time of either sentence or execution. As argued by the previous counsel for the first applicant under the Criminal Motion No 40 of 2016, the first applicant [Mr Roslan bin Bakar] suffered from an abnormality of mind as his IQ was found to be at 74. The expert’s opinion was that the first applicant had “limited capacity for judgment, decision-making, consequential thinking, impulse control and execution, decision-making, consequential thinking, impulse control and executive function [*sic*]” due to the underlying cognitive defects.

(d) Even where an offender’s mental illness is only moderately severe, it may well provide a cogent reason for not imposing the death penalty in a discretionary sentencing regime. In *S v Taanorwa* 1987 (1) ZLR 62 (SC), the Supreme Court of Zimbabwe held that some background of mental disturbance less than a formally diagnosed mental disorder could provide a reason not to impose the death penalty.

46 The Court of Appeal dismissed the Criminal Review Application on 15 February 2022, finding no basis to re-open its earlier affirmation of the Re-Sentencing Decision, in the absence of any fresh evidence not available at the time or change in the law since then (see the Criminal Review GD at [25]–[26]), among other reasons.

47 After the dismissal of the Criminal Review Application – in the evening of the same day, in fact – the respondent filed, on the Prisoners’ behalf, the civil application in HC/OS 139/2022 (the “Judicial Review Application”) before the General Division of the High Court, seeking leave to review the legality of the Prisoners’ impending executions of their sentences of death, including, *inter alia*, a prayer for declaratory relief that the executions violated an asserted policy of the Singapore Prisons Service (“SPS”) not to execute sentences of death upon mentally disabled prisoners. Due to the urgency, Kannan Ramesh J (as he then was) heard and dismissed the Judicial Review Application on the morning of the next day, that is, on 16 February 2022 (see *Roslan bin Bakar and another v Attorney-General* [2022] SGCA 20 (the “Judicial Review GD”) at [4]).

48 The respondent deposed in the supporting affidavit, to four reasons impugning the legality of the Prisoners’ death sentences which were *in pari materia* with the four reasons for the Criminal Review Application at [45] above, the only difference being that the third reason included the following line at the end: “[w]hereas the First Plaintiff, Pausi bin Jefridin’s IQ was assessed at 67” (see the Judicial Review GD at [8]).

49 During the hearing before Ramesh J, the respondent made three material representations of fact forming the subject of the Court Conduct Charges. First, he claimed before the Judge that the Judicial Review Application concerned the

Prisoners' sentence; whereas, the Criminal Review Application pertained *only* to their convictions, and therefore, governed distinct subject matters:

Court: But Mr Yeo, can I just clarify? I mean these arguments that you make today, putting aside judicial mercy to---for the moment, these were similar arguments made before the CA yesterday, was it not---were they not?

Yeo: No, Your Honour. I don't think these---I mean there's---that were---that was relating to conviction, Your Honour. That's really not to execution. I really do not think that they were canvassed in. As far as I've looked at even, Your Honour, the submissions of---I looked at the earlier cases. They weren't raised.

...

Court: But hang on, hang on. But the Court of Appeal has said in CM6 that there's no basis to grant leave to review its earlier decision.

Yeo: I think, Your Honour, that is relating to conviction. That is not really relating to execution or---but that---

50 Secondly, the respondent represented that one of the Prisoners (Mr Pausi bin Jefridin ("Pausi")) had an IQ of 67 that was undisputed, as diagnosed by the psychiatrists from the Institute of Mental Health ("IMH"):

Yeo: ... I think the elephant, Your Honour, in the room is that can a person with IQ of 67, which is undisputed at least in the case of the applicant known as Pausi Bin Jefridin, can this person be said to have---Your Honour, the issue of his mental responsibility, of course, Your Honour, my learned friend would keep on saying has been addressed adequately in the Courts below but, Your Honour, we are saying that right now, Your Honour. ...

... But, Your Honour, I think the more important point is that I want to highlight for the benefit of my learned friend, the representatives, Your Honour, all throughout it has never been---it has

never been disputed that Pausi’s IQ is 67. This was the evidence of IMH psychiatrists. ...

51 Finally, the respondent represented that the SPS had a policy against the execution of mentally disabled persons. That was asserted both in his supporting affidavit, that prayed for declaratory relief at [47] above that carrying out the death sentences would be contrary to an asserted internal policy of the SPS “not to execute sentences of death in respect of the mentally disabled” (see the Judicial Review GD at [7(c)]), and the following oral representation to Ramesh J at the hearing:

Yeo: ... But we are saying, Your Honour, that the execution of the plaintiffs’ sentence of death would be in breach of Singapore prison’s policy not to execute sentences of death on mentally retarded persons. We are saying that, Your Honour, the execution of the sentence of death would be in violation of Articles 9(1) and 12(1) of the Constitution for being in violation of customary international law, namely the CRPD and the United Nations Declaration of the Rights of Mentally Retarded Persons, and that it would be in breach of the policy of the execute [sic] sentences of death on mentally retarded persons and that finally, Your Honour, on account of judicial mercy, the sentence of death, the execution should not be carried out.

52 The respondent appealed against Ramesh J’s dismissal of the Judicial Review Application to the Court of Appeal, which dismissed that appeal on 16 February 2022, publishing its full grounds on 9 March 2022, in which the court made the following observation (see the Judicial Review GD at [26]):

At the end of the hearing, we were satisfied that the contentions of the appellants were simply a re-hash of the arguments which they had put forward in CM 6 [*ie*, the Criminal Review Application] and which we had rejected. That should have been the end of the matter. Instead, they sought to invoke the civil jurisdiction of the court by resorting to judicial review proceedings and using these as an opportunity to put forward the same baseless arguments. In our view, this was an abuse

of process. The only new matter in this appeal was the request made for a further examination of the appellants. That request could well have been made in CM 6 as well. The appellants, however, when all is said and done, are not familiar with legal arguments and the court's processes. What was proper and what was not were matters for their lawyers to determine. The responsibility for the way the litigation has been conducted thus lies completely on the shoulders of these lawyers.

53 Ramesh J invited the parties to make submissions on costs for the Judicial Review Application. The Court of Appeal did the same in the Criminal Review GD (at [31]) and the Judicial Review GD (at [27]).

#### *The Social Media Charges*

54 The Social Media Charges concern a series of publications made over the Instagram social media application from 28 January 2022 to 25 April 2022. At the time, that account, controlled by the respondent (as is made clear by the contents of its postings), bore the username of “@toxicstatenarrativeinsg” (the “Instagram Account”). That remains the username of the Instagram Account to date.

55 The impugned publications took one of two forms – either they were disseminated as Instagram “stories” (*ie*, a function by which images or videos, shared *via* one's Instagram account, remain accessible for 24 hours unless pinned to one's profile as a “highlight”) or as Instagram “posts” (*ie*, the publication of images or videos, which are accessible *via* one's profile page and also appears on the feeds of followers of one's account, until or unless they are deleted by the controller).

56 The impugned publications may be grouped into four categories, based on the particular species of the objectionable contents therein –

- (a) first, publications which scandalised the judiciary;

- (b) second, publications which attacked the integrity, impartiality, or independence of the Attorney-General (acting by way of his Chambers) (“AGC”);
- (c) third, publications amounting to *sub judice* contempt of court; and
- (d) lastly, publications making discourteous attacks against fellow members of the Singapore Bar.

57 The contents of the publications that scandalised the judiciary at [56(a)] above, made from 10 February 2022 to 14 March 2022, were as follows (each “post” or set of related “stories” is marked by a different ordinal number so as to distinguish between them):

1) This is the justice of Singapore. A wealthy doctor with his own clinic, was fined \$1500, likely his earnings of two to three days, for his role in causing the death of a young construction worker with years ahead to go of his life. That’s right, 1500. You know why? Because his lawyer was Davinder Singh of the PAP, Lee Hsien Loong’s lawyer for decades who helped Lee Hsien Loong fix up all his critics.

That is the justice of fascist Singapore. If your lawyer is Davinder Singh or Edwin tong, your punishment is a slap on the wrist.

tldr: a doctor killed a man through his negligence and Davinder Singh, the pap lawyer, helped him get away with a 1500 fine. The judge said that “he assumed that no adverse consequences had come to pass” when the worker had literally died.

This is justice in Singapore for the working class where those who are Lawyers and Doctors, members of the supposed elite jobs, can ride roughshod over others as Long as they are pap supporters.

2) Singapore – massive dictatorship and international joke ... sought to execute Malaysians with intellectual disabilities and iq in the Low 60s which qualified under international norms as intellectual disability

... This kind of practice of state murder of an intellectually disabled drug mule was not just a very serious affront to the Malaysian Govt , [sic] but also amounted to an atrocity done by the nazi regime which murdered thousands of intellectually disabled people (another class targeted like communists in nazi Germany).

This was one of the vilest acts done by the pap regime in recent times, which was even worse than a lot of the problematic court sentences meted out for purposes of fascistic signalling and also enacting of all sorts of racist oppression in sg and income inequality perpetuating governmental policies

These intellectually disabled men were not citizens of Singapore, and they MUST NOT BE EXECUTED as they did not have the requisite mens rea (state of mind) to know what was going on as they did not even have the sufficient mental ability to formulate criminal intent.

What a shame Singapore is!

3) So this is The [sic] justice of Singapore, brothers and sisters. Refer to my ig posts and highlights where I pointed out so many patently problematic issues with the sentencing in sg and how it made a mockery of justice, especially where the sentence was so different against the poor as compared to against the rich and powerful

We can change it if we rise up against the pap and strike down The Entire Corrupted and Wretched System

4) As does the entire system of legal (in)justice in sg. It serves the rich and capital, no more. It took me sometime as a lawyer to realise this, after I tried to help those victimised by the system. Then the state started to frame and fix me up in all manner possible so that they would lose even that small degree of help I could offer them.

5) Rmb, in sg Justice is often only accessible to the rich. Think of how lawyers for death row inmates will be made to pay large sums of money (at least 20k minimally will be ordered for the cost orders), in order to exhaust all possible legal methods tokeep [sic] the men alive

If this doesn't show you how Justice in sg is only for the rich, then I don't know what will

6) Dear friends, as expected, the district Court dismissed off [sic] a summons to reinstate my poha matter against Joseph Chen even after Joseph Chen had procured the NOD by fraud. Not only did I not obtain justice, \$300 cost orders were made against me. I have very clear evidence that Joseph Chen was

the one who got a member of Whitefield to file the nod without my consent after I had spent tons of hours working on it.

I will be appealing this decision to the High court and also taking out a fresh complaint against Joseph Chen in respect of how he procured the NOD by fraud

I am not surprised at all that the avowed pap agent joseph Chen keeps on winning in the courts and that the so called [sic] review committees and inquiry committee had sided him [sic] and dismissed off [sic] my complaints. Why? It's not hard to know why.

The case of Joseph Chen's incessant harassment of me and how he has not suffered any punishment so far has made me lose what little faith i has [sic] in the justice system prior. I must admit that it was that case that made me all the more angry with The System and determined to clash head on with it, because I can see how a state agent is shielded by the so called [sic] justice system in sg

58 The second class of publications impugning the AGC at [56(b)] above were made from 28 January 2022 to 15 March 2022 and read as follows:

1) This is an extremely problematic case of wrongful prosecution which shows best how the law in sg and the AGC are but the paid thugs of the corporatists to protect the profits of corporations who are the true masters of the PAP.

This is not a criminal offence anywhere else in the world, but merely a civil wrong of the tort of procuring breach of contract (in this case the China FT bribe offeror had procured the breach by the Singaporean of his contractual obligations). Unfortunately in a fascist dictatorship where the AGC serves corporate interests? It is a criminal wrong under the perverse law of Singapore

...

Is this a criminal offence? The state is too busy protecting the interests of the corporations to look into actual acts of constant scam phone calls as well as death threats by Joseph Chen to me, and also his acts to women.

This would not be a criminal offence in any genuine democracy, but would be in a fascist dictatorship where the corporatists fund the fascist regime and are in bed with each other

2) In fact don't even talk about dp cases. Talk about criminal cases in general. Why Lawyers in sg don't dare to take this up?

You tell me. Or are they too busy chasing the elusive \$, after mugging hard in raffles and hwa chong to become a lawyer? What does this say about our morally degenerate society. In fact many of these so called [sic] elite track students ended up becoming part of the Agc [sic] state apparatus fixing up innocent men. It is them who are part of the machinery to Silence critics and perpetuate the state agenda

You all have no idea the immense amount of state resources and bright legal minds (from the elite jcs), vying to do injustice to those underprivileged men so that they can climb up in the system. Their success is built upon the horrors meted out to these men from the lower tiers of Singapore as per the fascist ideology

They are The [sic] ones churning out bundles after bundles of legal submissions, research etc for the Agc [sic].

The Agc [sic] is supposed to be the lawyer for the people. ... But in Singapore we know that they serve only elite like those from raffles hwa chong and other elite jcs like Temasek national and Victoria and whatever, basically excelling under the lky model, who wish to see poor malay or Indian men maltreated

3) A gay man was jailed for 2 years and 8 months for consensual sex with someone he met over the Grindr app, yet a straight man was sentenced to only 8 months [sic] jail (albeit with caning as well), for engaging in group sexual assault of a drunk woman (originally charged with rape but the Lawyers he engaged from Wong Partnership helped to reduce the charge to molestation). There were many people in the group of rapists and it should fairly be characterised as a case of gang rape.

The case was not taken seriously because the prosecutors from AGC are too busy fixing up critics on contrived charges and also wearing the hat of State Counsel, forcing intellectually disabled men with iq of 67 and 70–85 alike to the gallows. ...

4) He had committed the offence of rape, but his Lawyers from Wong partnership would help him to get off the hook by using their “legal skill” to mAKE [sic] the prosecution amend the charge to a lesser one (not that the prosecution would be unwilling to when they see the opponent lawyer is wong partnership as this is how they are not independent at all and collude with big firms).

Do you know why the Senior counsel’s army and his pathetic minions in the Agc was [sic] sent to fix up sheng wu ? [sic] Yes. That same senior counsel with his two servants I battled against three times last week. Let me share with you guys

Because the pap wanted to bar him from standing from election in 2020. Based on his conviction and sentence. They knew he would win easily in an smc.

Understand? That is how cowardly the regime is. But know this. The dogs and biased civil servants of the AGC can never ever frustrate the will of the people and the will of the divine.

... The police or the Agc [sic] will not do anything as they are too busy fixing up critics on trumped up charges and fabricated “evidence”, calling for drug mules with low iq to be sentenced to death, or submitting for cost orders against human rights Lawyers. This is the fascist dictatorship that we live in that celebrates obscene wealth and the right of the rich to do anything they want.

5) The pap of Singapore and its dogs in the AGC will never do anything about such abuse of human body parts, by the corrupt rich of The [sic] world like Indonesian oligarches [sic] children who choose Singapore to stash their ill gotten [sic] wealth in. Why? Two reasons. Firstly the Agc is too busy fixing up critics of the state on trumped up charges like cbt forgery and wounding religious feelings/harassing police scholars for filing reports on their own accord. They don't have the time to attend to actual crimes. ...

6) ... Essentially Gobi [in *Gobi a/l Avedian v Public Prosecutor* [2021] 1 SLR 180] was saved for good. But that was not the end of the matter. The Agc [sic] would continue to act vengefully against Ravi as they could not tolerate their loss in a court of law.

The Agc [sic] therefore cooked up stuff to complaint against Ravi about as they could not tolerate that Gobi's case had illustrated clearly how if not for Ravi a man who did not deserve to be hung, would have been hung. Gobi's case shined a spotlight on what the Agc [sic] does and clearly the Agc [sic] wants to threaten Lawyers which expose its misdeeds

7) I did six crim cases today and will do another four tomorrow. I plan to treasure every day that I have a practising certificate and do my best to fight the prosecutors of the state carrying out the state's fascistic agenda under the pretext of “prosecuting criminals”, whilst the real criminals walk free everyday

8) I just had the privilege of giving legal advice to a client who comes from a Poor background, but nonetheless was very concerned to save her relative who is yet another of those targeted by the state for fascistic signalling

After giving the discounted legal advice and committing to represent the client for a nominal fee, I shared with her briefly

on how the prosecutors are largely black hearted individuals who are never concerned with doing justice in the facts of the case but merely to secure conviction after conviction and as harsh a sentence as possible? [sic] Why?

So that they can rise up the ranks to become like that champion of the regime, the Senior counsel Francis NG [sic] who is seeking 35k cost orders against me. And earn huge salaries. ...

59 The third series of Instagram posts concerned applications for personal cost orders taken out by the AGC against the respondent in relation to both the Criminal Review Application and Judicial Review Application as at [53] above (the “Costs Orders Applications”). That was made explicit by the respondent’s posting of images of the AGC’s written submissions regarding its Costs Orders Applications dated 1 March 2022. His publications of 1–2 March 2022, that constituted *sub judice* contempt at [56(c)] above, read as follows:

1) Breaking news

The AGC has just served the submissions on me

They are seeking cost orders totalling \$35,000 against me and an additional \$2000 against Lawyers for Liberty [*viz*, the third applicant in the Criminal Review Application]. I will be uploading the submissions of the AGC shortly. The breakdown is \$10,000 cost orders sought against Charles Yeo and \$2000 against LFL for CA/CM 6/2022 [the Criminal Review Application], \$15,000 against Charles Yeo for CA/CA 6/2022 [the appeal on the Judicial Review Application] and \$10,000 against Charles Yeo for HC/OS 139/2022 [the Judicial Review Application].

Massive resources spent by a humongous army of lawyers determined to send inmates with Low iq to the gallows, cost orders to intimidate

2) Dear friends, the reasons why the Agc [sic] is seeking a personal cost order against me to the tune of \$35,000 is not because I had been negligent or incompetent in my conduct of the matter, sheer lies propagated by the AgC [sic]. The main reason is that the Agc [sic] and the pap does [sic] not like these kind [sic] of applications because it wants to continue to send men to the gallows for fascistic signalling

And they want to get cost orders to send a strong signal that you must not defend death row inmates. The end. ...

60 At the time these publications were made, the Costs Orders Applications were pending before both Ramesh J (sitting in the General Division of the High Court) and the Court of Appeal.

61 Finally, the publications constituting discourtesy against fellow counsel at [56(d)] above were published from 23 February 2022 to 23 March 2022, and involved the following:

1) Really have to take my hat off to Ravi at how he can be so positive in the face of the SC's army fixing him up for contempt of court (being told by Lee Hsien Loong and the pap to do so).

He can still dance and give zero hoots to that pathetic vindictive Francis Ng who is working with Davinder Singh to fix Ravi up

2) Kindly refer to my Instagram for documentary evidence of my claim that the Senior Counsel Francis Ng of AGC, along with his army of Lawyers, is seeking S\$35,000 personal costs orders to be made against Yeo Yao Hui Charles after I defended two intellectually disabled inmates on death row one with an iq of 74 (Roslan bin Bakar) and another with an iq of 67 (Pausi bin Jefridin).

If I am unable to pay these cost orders sought personally against me, I will have to declare bankruptcy and will not be able to practice law to earn a living or contest the General Elections in 2025.

This is of course, what the PAP wants in terms of its endgame. We all know who the Senior Counsel serves.

3) Dear friends, in the next few days I will be recording a live video to discuss the life of the DPP Tan Yanying, her father another of the elite of Singapore and fake independent civil servant Tan Yong Soon who was the colleague of Liew Mun Leong and also to criticise in most severe terms the outcome of dismissing [*sic*] the complaint by Parti Liyani

...

This is the life of the DPP Tan yanying and her father. Do we wonder why she had no empathy for Parti liyani and was blind to how her actions could send an innocent woman to jail?

...

Can we fault netizens from saying that Tan yanying's familial status has prevented her from being held to account? This

culture of rot in Singapore society and elitism and nepotism is precisely what Mr Lee Hsien Yang has been pointing out.

4) This is the so called [sic] justice of Singapore. Two questions are raised by the facts of this case, insofar as the same can be gleaned from what is reported in the media. Firstly, why such a long tariff meted out to yet another malay man struggling financially to do his best to take care of his family, even step-siblings? He should be commended instead of sanctioned. Is 5 years [sic] jail appropriate? Why do we constantly see such harsh penalties meted out to the vulnerable groups of Singapore whilst the elite like Tan Yanying, supposed prosecutors and a child of a TOP civil servant, are not punished for their crime of fixing up an innocent woman? ...

62 For completeness, the respondent also published the following series of related “stories” *via* his Instagram Account on or around 25 April 2022, whilst he lacked a valid PC in force during the period at [9] above:

Ever since the appointment of Lucien Wong, who was the dictator’s personal lawyer N installed for dictator’s purposes? The Agc [sic] has fallen into disrepute

Under VK Rajah, generally the AGC was looked upon with respect by Singapore society, perhaps with some degree of disagreement re state positions on criticised laws, but it was certainly not the way it is today under Lucien Wong and Hri Kumar.who [sic] are people linked to the pap

63 We discuss the implications of this fact regarding the charges against the respondent as regards *only* the 25 April 2022 publication reproduced above (see [174] below).

### ***Procedural history***

#### *The DT Proceedings*

64 We summarise herein the common features of the procedural histories of the DT proceedings for all five Applications (the “DT Proceedings”).

65 The respondent participated in some of the Inquiry Committee proceedings which led up to the Workplace Injury OAs, tendering written representations in the period of January 2022 to February 2022 for OA 16, and participating remotely in the Inquiry Committee proceedings for OA 6 through email responses in around October 2022. The respondent refused to take part in the proceedings in OA 7. Although he was informed of the complaint by the Inquiry Committee and given an opportunity to respond, he replied by email on 31 July 2022 stating that he was “not going to respond further to these sham proceedings which are clear political prosecution done by the pap regime against me and thereby dignify them”. It bears mentioning that the respondent left Singapore in August 2022 and sought asylum in the United Kingdom, and has remained there since.

66 Unlike the Workplace Injury OAs, which originated from three separate complaints filed by individual migrant workers affected by the respondent’s misconduct under ss 85(1) of the LPA (Cap 161) or LPA in September 2021, March 2022, and May 2022, OA 12 originated from a single complaint filed by the AGC in June 2022 under s 85(3) of the LPA, while OA 14 was the result of a referral to the Inquiry Panel under s 85(2) of the LPA lodged by the Society in October 2022 owing to the identification of accounting lapses and irregularities in FKT’s audit of Whitefield’s books. In all the Applications, however, the respondent did not participate in the DT Proceedings themselves, even though he was made aware of them.

67 Notices of the DT Proceedings were served at the respondent’s residential address and last-known office address (see at [8(c)] above) in September 2022 (for OA 16), February 2023 (for OA 6), July 2023 (for OA 7 and OA 12), and December 2023 (for OA 14). Despite his non-participation, it was clear in each case that the respondent was made aware of the DT

Proceedings. In OA 6, counsel for the Society had sent an email in respect of the DT Proceedings to the respondent's personal email address on 8 May 2023.

In response, the respondent sent a reply email stating the following:

This is my public response today to you Elisabeth Liang Fang Ling, a [sic] piece of despicable filth who has been part of the state's charade as regards the letting off of Kwa Kim Li with a mere slap on the wrist – fine and financial penalty of a few thousand in total for conflict of interest concerning the release of Lee Kuan Yew's will etc – immense double standards. ...

And do you guys know that Elisabeth Liang the lawyer here doing the state motivated political persecution of me, was one of the lawyers who helped Kwa Kim Li get off the hook? ...

... Justice has not been done – a charade displaying the double standards of Singapore – stooges and thugs of the system like you now after me. Trying to impose [sic] all sorts of harsh penalties against me, in an utterly biased and kangaroo court where the individual exercising or purporting to exercise quasi judicial [sic] functions in Tan Chee Meng, the very lawyer who is representing the AGC in the matter of the breach of confidentiality of the death row inmates prison correspondence – unauthorised release to agc officers. He Tan Chee Meng is the last person who could fairly be expected to give me a fair hearing and be unbiased towards me

It's utterly hilarious – both the so called prosecuting lawyer and the DT president ie the prosecutor and the judge in this utter sham proceeding against me, are THEMSELVES involved in trying to cover up genuine deceit and wrongdoing and breaches of confidentiality by those who the Singapore establishment would favour ie Lee Hsien Loong and the AGC and which [sic] said breaches of confidentiality were calculated to favour them, YET THEY HAVE THE CHEEK TO “prosecute or be the judge over me”, a wholly innocent man.

Whilst utterly light and contemptible punishments are meted out to [sic] serious wrongdoings by those whose actions would benefit Lee Hsien Loong personally.

Your identity as a goon of the state is utterly beyond doubt. In a few days I shall be recording a video where I discuss your involvement in the Kwa Kim Li case ie getting her off the hook lightly in an utter charade as well as the involvement of Tan Chee Meng in the prisons death row inmates correspondence interception case

68 Similarly, in OA 12, counsel for the Society sent emails to the personal email address of the respondent on 3 and 4 August 2023, which prompted the respondent to reply as follows on 3 and 5 August 2023:

1) Now listen up, worthless servitors of a corrupt racist regime like Dawn Tan Ly Ru and yourself Tristan Teo. First and foremost I spit on your involvement and complicity in these human rights abuses. Whilst the language I use may be harsh, it is firmly apposite to the circumstances where a racist regime is using executions to hold the population in fear and ideologically promote Chinese supremacism as per the teachings and quotes of Lee Kuan Yew, and scums like yourselves are using your minds to assist in the wrongful process of intimidation of lawyers.

2) I do not propose to dignify these shameless “proceedings” against myself which are but improper intimidation of a human rights lawyer, and in violation of international legal due process standards. ... In fact, I take such a dim view of these proceedings that I do not propose to even dignify the same by couching my reply in the style of legal correspondence, formalistically speaking.

3) Suffice to say that I am neither intimidated by servitors like yourselves, nor do I agree that I had done anything wrong by highlighting the shameful manner in which these individuals had been subject to racial marginalisation, and also the intimidation of lawyers. ...

4) ... I have documented your involvements which is undeniable and you shall have to answer for your shameful involvements in these matters which fundamentally are incredibly serious. Be further assured that even if these proceedings fail, there is a God watching and you will face the same punishment like the two other persons representing the state in this matter who bloodthirstily bayed for the blood of these two men with intellectual disabilities.

...

Silence!

You accursed hypocritical scums and filth who are helping a vile regime execute poor Indian and Malay drug mules for fascist signalling, and persecuting lawyers like myself representing them and creating a culture of fear. A regime which simultaneously works with the Actual drug lords and kingpins and the Myanmar regime behind these drug kingpins.

That is the factual substratum of the complaints that shall be filed against you Dawn Tan Ly Ru and Tristan Teo in the foreign jurisdictions you are admitted to as lawyers. Aiding in these breaches of due legal process, international human rights law norms, intimidating and deterring legal representation.

69 Likewise, on 13 June 2024, the respondent posted an Instagram “post” *via* the Instagram Account, disclosing a photograph of a letter sent by counsel for the Society in OA 14 to the respondent informing him of bundles for which leave would be sought to be tendered in the DT Proceedings, with the following wording superimposed over that photograph:

I spoke up about all these injustices in sg which is why the pap started to bring all these sham disciplinary proceedings against me to intimidate me from speaking up. Using all its shitter goons

70 Other Instagram publications over the Instagram Account – which need not be exhaustively canvassed here – reinforced that the respondent was aware of the DT Proceedings and elected not to participate in them to give his defence.

71 In any event, as there was proper service of notice of the hearings upon the respondent in all of the DT Proceedings, they were properly conducted in his absence pursuant to r 16 of the Legal Profession (Disciplinary Tribunal) Rules following his respective failures to appear.

#### *Substituted Service Summonses*

72 In all of the Applications, summonses were taken out to effect substituted service of the cause papers upon the respondent *via* the alternative methods of, *inter alia*, sending them to his email address, which was clearly shown to be recently in use as evidenced by the respondent’s replies at [67]–[68] above. These were supported by affidavits of service regarding the unsuccessful attempts to effect personal service on the respondent at his

residential address in Singapore. Moreover, it was clear that the respondent was no longer living in Singapore but in the United Kingdom, where he was seeking political asylum (see [65] above).

73 Thus, we granted leave for substituted service of the cause papers in OA 16 on 10 January 2024 (*vide*, C3J/SUM 1/2023) in the exercise of our powers under s 193(2) of the LPA (see *Law Society of Singapore v CNH* [2022] 3 SLR 777 at [19]–[26], applying the predecessor s 98(10) of the LPA (Cap 161)). We granted leave for the same on 3 May 2024 in relation to OA 6 (*vide*, C3J/SUM 1/2024), on 18 July 2024 in relation to OA 7 (*vide*, C3J/SUM 2/2024), and on 21 March 2025 for OA 12 and OA 14 (*vide*, C3J/SUM 1/2025 and C3J/SUM 2/2025). In each of the Applications, substituted service was duly-effected upon the respondent at, *inter alia*, his personal email address, which *per* our orders was deemed to be good and sufficient service of the Applications’ cause papers on the respondent, and with affidavits of service being duly-filed in accordance with r 4(5) of the Legal Profession (Proceedings before Court of 3 Supreme Court Judges) Rules 2022.

#### *Notice of the C3J Proceedings*

74 Likewise, all relevant documents for the hearing of the Applications by the Court of 3 Supreme Court Judges (the “C3J Proceedings”) were served upon the respondent in the same way. By way of non-exhaustive examples:

- (a) on 9 July 2025, the correspondences from the court dated the same day, which informed the parties that the Applications were fixed for a joint hearing in the sitting commencing on 8 September 2025, were both mailed to his local residential address and sent to his personal email address (the same one at [67]–[68] above);

(b) on 12 August 2025, the same was done with the correspondence from the court informing the parties that the hearing would be held in the form of a physical hearing in the Court of Appeal courtroom; and

(c) on 13 August 2025, the same was done with the correspondence from the court informing the parties that the hearing would be conducted in a “hybrid” format, *ie*, the Society’s counsel would attend the hearing in-court, while the respondent would have the liberty to attend the hearing remotely *via* Zoom. The hearing would take place at 10.00am on 11 September 2025, with the hearing details attached in a registrar’s notice appended therein.

75 Arrangements were made to allow the respondent to log into the Zoom courtroom on the day of the hearing for the C3J Proceedings, *viz*, 11 September 2025. Despite this, the respondent did not appear. Nonetheless, we are satisfied that he was aware of the hearing. In particular, we took judicial notice (see at [207] below) of a “post” published by the respondent over the Instagram Account on 11 September 2025 at or around 9.00pm (SGT) and 2.00pm (BST), along with a “story” to the same effect, and both of which stated the following:

I don’t plan to engage with the kangaroo courts of Singapore  
You all have seen how they are an absolute sham like in Ong  
beng’s case  
Just prostitutes to the pap and its cronies.  
Nothing more  
I spit on the kangaroo courts of the pap and its servitors really  
and that is all.

76 The hearing concluded at or around 12.30pm (SGT) on 11 September 2025. In our view, it is clear that the respondent was aware of the hearing and

that he elected not to attend. We reserved judgment following the hearing on 11 September 2025.

### **Issues to be determined**

77 Accordingly, we address the following issues in this judgment:

- (a) Should the C3J affirm the respondent’s convictions on the SAR Charges?
- (b) Should the C3J affirm the respondent’s convictions on the Workplace Injury Charges?
- (c) Should the C3J affirm the respondent’s convictions on the Court Conduct Charges?
- (d) Should the C3J affirm the respondent’s convictions on the Social Media Charges?
- (e) What is the appropriate sentence under ss 83(1) of the LPA and the LPA (Cap 161) (as the case may be) which the C3J ought to mete-out to the respondent based on the totality of his offending?

### **Issue 1: Whether the convictions on the SAR Charges should be affirmed**

#### ***The DT’s convictions***

78 The Society brought four charges against the respondent, for which he was convicted by the DT. Those four charges encompassed the four categories of breaches of the SAR in the Relevant Period which we canvassed at [19(a)]–[19(d)] above.

79 All four main charges had alternative versions based on the same factual matrix of offending but framed pursuant to the “misconduct unbefitting” limb

of offending under s 83(2)(h) of the LPA (Cap 161) instead. As the respondent was convicted on all charges, we need not concern ourselves with the alternative charges and we focus only on the main charges which were all framed under the “grossly improper conduct” limb in s 83(2)(b) of the LPA (Cap 161).

80 In respect of all the SAR Charges, the DT’s approach was similar, *viz*, it accepted the contents of the FKT Report, independently verifying its accuracy against the primary financial documentation (*eg*, bank statements, *etc*), and held that the 185 breaches of the SAR at [19] above were thereby established.

81 Accordingly, the DT convicted the respondent of all four charges and found that there was cause of sufficient gravity to justify a referral to the C3J under ss 83(2) and 93(1)(c) of the LPA (Cap 161), having regard, *inter alia*, to the fact there were 185 breaches of the SAR within a roughly one-year period, evidencing a systemic failing in the maintenance of the accounting records of Whitefield on the respondent’s part.

### ***The Society’s submissions***

82 In the C3J Proceedings, the Society rests on the report of the DT below and its findings of fact on the SAR Charges to argue that the convictions below should be affirmed.

### ***Our decision: the SAR Charges are satisfied beyond a reasonable doubt***

83 We agree with the Society that there is no basis for us to interfere with the factual findings of the DT below, which were impeccable. It follows that the convictions of the respondent on the SAR Charges, beyond a reasonable doubt, must be affirmed.

84 First, it will be evident that the SAR regime imposes positive duties on a solicitor – observance of which is of a strict, if not absolute, liability nature (see *Law Society of Singapore v Dhanwant Singh* [2020] 4 SLR 736 at [5] and [102]) – upon the occurrence of various financial acts, *eg*, the receipt of client moneys (see r 3(1) of the SAR) or the making of withdrawals from client accounts above \$5,000 (see r 8(5) of the SAR), among others.

85 Second, while it is trite that the Society bears the legal burden of proving the guilt of the respondent legal practitioner for the charged offences beyond a reasonable doubt, the *evidential* burden may fall on the respondent in relation to particular issues (see, *eg*, *Law Society of Singapore v Chen Kok Siang Joseph and another matter* [2025] 3 SLR 933 (“*Joseph Chen*”) at [54]–[56]). That may be the case where an element of the offence takes the form of a negative, *ie*, the asserted *absence* of an act which the respondent was bound to do. In such a case, the Society would first present their case, with evidence supporting their belief that there have been breaches of the SAR. For instance, through an audit supported by the relevant bank statements and books, such as the FKT Report in the present case. Subsequently, as a matter of logic, if the respondent wants the DT to believe in the existence of a fact, such as him having in fact performed an act as required by the SAR in response to the allegation that he did not do so, the burden would be on him to produce some evidence that that act was performed (see s 105 of the Evidence Act 1893 (2020 Rev Ed) (the “EA”) and, in particular, *Illus (b)*). Moreover, whether the respondent did or did not perform an act, which was incumbent on him to perform at the time, is an issue which lies within the knowledge of the respondent and is thus easier for him to produce evidence of, compared to the Society. In that scenario, the evidential burden of proving that he did in fact perform the act will likewise fall on the respondent (see s 108 of the EA and *Illus (b)*; see also *Jumaat bin Mohamed Sayed and*

*others v Attorney-General* [2025] 1 SLR 1287 at [89] and [137(a)]). The same applies if the respondent wishes the DT to accept a *defence* in law exculpating his conduct at the time, *eg*, if he asserts that he had hired a book-keeper which complied with rr 8(6) r/w 11(8) and 11A of the SAR, thereby excepting him from the obligation in r 8(5), the burden would lie on him to make that out (see *Tan Khee Wan Iris v Public Prosecutor* [1995] 1 SLR(R) 723 at [12]–[13]).

86 The upshot of this analysis to the SAR Charges is this – while it is for the Society to discharge its evidential burden that certain facts occurred, the legal practitioner would then have to discharge his evidential burden of providing *some* sufficiently credible evidence that he had in fact performed the acts as required by the SAR in response to the allegation that he did not do so, before the burden would be on the Society to disprove that evidence beyond a reasonable doubt.

87 In the present case, it is clear that the Society discharged its burden with reference to the FKT Report and the accompanying financial documentation to corroborate its contents and findings (*eg*, the Client Account and Office Account bank statements, *etc*) to prove, *inter alia*, that client moneys were received by the respondent, sums were withdrawn from the Client Account, *etc*. We agree with the DT below that the FKT Report was clearly credible. Comparing its contents against the primary documentation demonstrates this at once. We provide the following non-exhaustive examples so as to independently assure ourselves of the veracity of the FKT Report’s contents –

- (a) The FKT Report’s Annex 1 records a cash cheque withdrawal of \$15,145 for the client numbered PI-0101 on 14 April 2021, \$22,500 as the insurance claim received, and \$7,355 as the legal fees deducted from that amount. The Client Account’s bank statement shows withdrawals

of \$15,145 and \$7,355 on 14 April 2021, with the latter sum being a GIRO transfer to the Office Account received that same day, as shown in the Office Account’s bank statements. These were deductions for legal fees which were *not* properly recorded in a cash book and/or sales ledger, as required in r 11(2) of the SAR.

(b) For the client numbered PI-007, the FKT Report notes that \$29,648 was recorded as the settlement sum received from the insurer, which comprised: (i) \$7,648 in legal fees that was retained by Whitefield; (ii) \$11,400 that was deducted in view of an alleged loan or “advance” to that client; and (iii) the remaining \$10,600 which was the “payable amount” to that client. The FKT Report concluded that the \$10,600 was withdrawn by cheque from the Client Account with one signatory on 6 November 2020, despite exceeding \$5,000 in amount. The bank statement for the Client Account likewise shows a cheque withdrawal of \$10,600 on 6 November 2020. Here, the breaches lay in the withdrawal exceeding \$5,000 without a second signatory pursuant to r 8(5) of the SAR and the lack of correspondence from the insurers confirming the settlement amount *per* r 11(1)(a) of the SAR.

(c) For the client numbered PI-0379, the FKT Report notes that there were no bill of costs or other written intimation of the amount of legal costs incurred and no legal fees were deducted from the settlement claim. The client ledger indeed appeared to show inconsistencies in the legal fees (or lack thereof) recorded, with the client ledger account appearing to show \$5,250.80 deducted for “services rendered”, yet the payment voucher, the tax invoice, and the acknowledgement of receipt by the client contained no reference to legal fees, making it impossible to ascertain the actual amount in legal fees agreed with the client and the

quantum deducted for fees and disbursements, thus compromising the protection of the client's fiscal interests intended by rr 11(1)(a) and 11(3) of the SAR.

88 In the circumstances, the DT was correct in accepting the FKT Report as credible and giving weight to its contents. The breaches identified in the FKT Report correspond with the 185 breaches in the SAR Charges as at [19] above.

89 In the circumstances, the Society discharged its evidential burden *vis-à-vis* the SAR Charges, and the respondent has not adduced any evidence that he in fact performed the necessary positive acts in:

- (a) obtaining the permission of the General Division of the High Court to make withdrawals by cash cheque from the Client Account for the first charge at [19(a)] above under r 8(4) of the SAR;
- (b) ensuring two solicitors signed off on the withdrawals exceeding \$5,000 from the Client Account for the second charge at [19(b)] above under r 8(5) of the SAR or availing himself of the defence of a book-keeper having been engaged with the written approval of the Society's Council *per* r 8(6) of the SAR (as at [85] above);
- (c) making timely payment of the client's moneys received from the insurers into the Client Account for the third charge at [19(c)] above *per* r 3(1) of the SAR (to the contrary, the FKT Report *positively* shows that these moneys were paid into the Office Account instead); and
- (d) ensuring that the various information was recorded, documents retained, and reconciliations effected as required under rr 11(1)–(4) of the SAR, as particularised at [19(d)(i)]–[19(d)(vi)] above.

90 The respondent elected not to give any evidence in his defence below as he did not participate in any of the DT Proceedings (see [71] above). In relation to some of the documents he was under a duty to retain proper records of for the fourth charge under r 11(1) of the SAR, including correspondence with the insurers as to the settlement moneys received to compensate the clients for their claims, the respondent had been given the opportunity to produce them to FKT upon request, but failed to do so even in the face of multiple extensions of time (see at [13]–[18] above). Accordingly, the only proper inference was that the respondent failed to do the acts that were incumbent upon him to perform under the SAR. The result is that all of the SAR Charges are made out beyond a reasonable doubt, and the DT’s convictions must therefore be affirmed.

91 It is clear that due cause is made out for the respondent to be sanctioned under s 83(1) of the LPA (Cap 161). For the reasons at [197] below, the proper sanction for the SAR Charges is a striking-off order under s 83(1)(a). For now, it suffices for us to observe that the SAR Charges were sufficiently serious in nature to satisfy the moral turpitude required to constitute “grossly improper conduct” under s 83(2)(b) of the LPA, *viz*, conduct which is dishonourable to him as a man and dishonourable in his profession (see *Re Marshall David; Law Society of Singapore v Marshall David Saul* [1971–1973] SLR(R) 554 at [23] and *Law Society of Singapore v Wong Sin Yee* [2018] 5 SLR 1261 (“*Wong Sin Yee*”) at [23] and [35]) (the “Dishonour Formulation”). We are satisfied that the lapses in the SAR Charges are so dishonourable, having regard to –

- (a) the repeated and systemic nature of the breaches, *viz*, 185 instances of offending within an approximately one-year period, which shows not a one-off breach or a good faith attempt to set up a system to comply with the SAR regime that was lacking in some respects, but a wholly cavalier disregard for the SAR regime altogether with *nothing*

being done whatsoever to ensure compliance with the SAR and protect the fiscal interests of Whitefield’s clients; and

(b) the sheer quantitative scale of the sums compromised owing to these 185 breaches, *eg*, the total of the 16 amounts which ought to have been put into the Client Account for the purposes of the third charge at [19(c)] above but were put into the Office Account was \$300,760, and the sum of the 61 instances of withdrawals from the Client Account by way of cash cheque at [19(a)] above was over \$896,600, *etc*.

92 In the light of the reckless and systematic disregard shown by the respondent for the prophylactic rationale of the SAR regime, aimed at setting up a regime to protect the financial interests of clients who entrust solicitors with their funds (see *Law Society of Singapore v Tay Eng Kwee Edwin* [2007] 4 SLR(R) 171 (“*Edwin Tay*”) at [17]), the respondent’s appalling apathy for Whitefield’s clients’ fiscal interests and the financial integrity of Whitefield’s accounts was nothing short of dishonourable, both to him as a person and in his profession as a lawyer, satisfying the Dishonour Formulation.

## **Issue 2: Whether the convictions on the Workplace Injury Charges should be affirmed**

### ***The DT’s convictions***

93 In gist, all three DTs convicted the respondent of all charges and their alternatives, and found that there was sufficient cause for disciplinary action.

(1) OA 16

94 With respect to OA 16, the respondent faced four charges alleging acts that amount to grossly improper conduct under s 83(2)(b) of the LPA (Cap 161):

- (a) The first charge alleged that the respondent “purported to act for Mr Sikder” in DC 2831 without obtaining a WTA from Mr Sikder.
- (b) The second charge was in relation to the respondent failing to communicate with and confirm the instructions of Mr Sikder directly.
- (c) The third charge related to the respondent failing to notify Mr Sikder and/or communicate with him directly, on the receipt of the settlement sum into the respondent’s Client Account.
- (d) The fourth charge related to the respondent’s failure to obtain authorisation from Mr Sikder for the settlement sum to be drawn down from the Client Account in favour of Mr Ranjit.

95 Each charge was accompanied by an alternative framing premised on a breach of s 83(2)(h) – that by committing the acts set out above, the respondent was also guilty of misconduct unbecoming a legal practitioner. The DT found that all charges, including their alternative framings, had been proven beyond a reasonable doubt. Moreover, there was cause of sufficient gravity for disciplinary action.

(2) OA 6

96 As regards OA 6, the Society proceeded against the respondent on the basis of four charges. The first charge concerns the respondent’s failure to “perform such customer due diligence measures as prescribed in rule 6(1) read with rule 11(1) of the Legal Profession (Prevention of Money Laundering and Financing of Terrorism) Rules 2015 [(“PMLR”)]”, by “failing to ascertain and verify” that his client was indeed Mr Zulfikar, “before the start, or during the course, of establishing a business relationship with the client for the purposes

of representing the client in [DC 2172]”. The primary charge, and its two alternatives, were framed as follows:

- (a) By such breach of the PMLR, the respondent had “contravened Section 70C read with Section 70G of the [LPA (Cap 161)]” and was thereby guilty within the meaning of s 83(2)(j) of the LPA (Cap 161).
- (b) Alternatively, by such breach of the PMLR, the respondent was guilty of improper conduct or practice within the meaning of s 83(2)(b) of the LPA (Cap 161).
- (c) In the further alternative, by such breach of the PMLR, the respondent was guilty of misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession within the meaning of s 83(2)(h) of the LPA (Cap 161).

97 The second to fourth charges relate to the following failures by the respondent, primarily framed under the improper conduct or practice limb of offending under s 83(2)(b) of the LPA (Cap 161):

- (a) The second charge alleged that the respondent failed to ensure that the person (*ie*, Mr Ranjit) who gave him the WTA purportedly signed by Mr Zulfikar was indeed authorised to convey instructions for him to act on Mr Zulfikar’s behalf. The respondent also failed to obtain Mr Zulfikar’s confirmation of his purported instruction to act for him. The respondent thereby breached r 5(5) of the Legal Profession (Professional Conduct) Rules 2015 (“PCR”).

(b) The third charge alleged that the respondent failed to ensure that Mr Ranjit, who gave him a POA purportedly signed by Mr Zulfikar, was indeed authorised to convey the instruction on Mr Zulfikar's behalf. The respondent also failed to obtain Mr Zulfikar's confirmation of his purported instructions as set out in the POA. The respondent thereby breached r 5(5) of the PCR.

(c) The fourth charge alleged that, as a result of the respondent's reliance on the WTA and/or the POA, he filed multiple successive notices of change of solicitor in DC 2172. The respondent did so without ensuring that Mr Ranjit was authorised to convey the instructions therein, and without obtaining Mr Zulfikar's confirmation that the respondent was indeed authorised to act on his behalf. This was a breach of r 5(5) of the PCR and the respondent was thereby guilty of improper conduct or practice in breach of s 83(2)(b) of the LPA (Cap 161).

98 The second to fourth OA 6 charges have alternative charges that are substantively identical to the main charges, save that they are framed under s 83(2)(h) instead of s 83(2)(b) of the LPA (Cap 161) and, unlike the main charges, they *do not* make any specific reference to r 5(5) of the PCR. The DT concluded that all the charges and their alternatives were made out and that, pursuant to s 93(1)(c) of the LPA (Cap 161), cause of sufficient gravity for disciplinary sanction existed.

(3) OA 7

99 In relation to OA 7, five charges were brought against the respondent:

(a) The first charge alleged that the respondent had acted upon a third party's (Mr Ranjit) instructions to: (i) enter into a settlement

agreement on behalf of Mr Sarker; (ii) receive settlement moneys into the Client Account; and (iii) arrange for the settlement moneys to be transferred to that third party, without ensuring the third party had the authority to give instructions on Mr Sarker's behalf and/or obtaining his confirmation of these instructions. This was a breach of r 5(5) of the PCR and the respondent was thereby guilty of improper conduct or practice in breach of s 83(2)(b) of the LPA (Cap 161).

(b) The second charge alleged that the respondent had failed to communicate directly with Mr Sarker to obtain or confirm instructions, even though there was reason to believe that he was referred to the firm by a third party. This was a breach of r 39(2)(g) of the PCR and the respondent was thereby guilty of improper conduct or practice in breach of s 83(2)(b) of the LPA (Cap 161).

(c) The third charge alleged that the respondent had failed to carry out customer due diligence measures on *Mr Ranjit*, who was purporting to act on behalf of Mr Sarker, by failing to verify whether Mr Ranjit was authorised to act on behalf of Mr Sarker before the start or during the course of establishing a business relationship with Mr Sarker. This was a breach of rr 4, 7(a) and 11 of the PMLR, read with s 70C of the LPA (Cap 161), and the respondent was thereby guilty of improper conduct or practice in breach of s 83(2)(b) of the LPA (Cap 161).

(d) The fourth charge alleged that the respondent had received settlement moneys into the Client Account and caused part of these client's moneys to be withdrawn and paid out in favour of Mr Ranjit, without Mr Sarker's authorisation. This was a breach of rr 7 and 8 of the

SAR, and the respondent was thereby guilty of improper conduct or practice in breach of s 83(2)(b) of the LPA (Cap 161).

(e) The fifth charge alleged that the respondent had failed to exercise proper supervision over Mr Ranjit, who was working under him. This was a breach of r 32 of the PCR and the respondent was guilty of improper conduct or practice in breach of s 83(2)(b) of the LPA (Cap 161).

100 There are also five corresponding alternative charges identical to the primary charges, save that they are framed under s 83(2)(h) of the LPA (Cap 161). The DT found that all charges (including their alternative framings) had been proven beyond a reasonable doubt. There was therefore cause of sufficient gravity for disciplinary action pursuant to s 93(1)(c) of the LPA (Cap 161).

### ***The Society's submissions***

101 The Society's position is that the DT's findings should be upheld by the C3J. There is one issue of note, regarding whether the rules allegedly breached by the respondent, as framed in some of the Workplace Injury Charges, are premised on the existence of a solicitor-client relationship. Although the respondent purported to act for the Complainants, he was not actually their solicitor and there was also no valid retainer in place. In response to this concern, the Society framed their cases differently in the DT proceedings below:

(a) In OA 16, the Society amended their case and removed all references to the PCR and SAR from the charges in order to properly reflect the gravamen of the charges, since there was no solicitor-client relationship between the complainant and respondent. The DT agreed

that, although there was no solicitor-client relationship between Mr Sikder and the respondent, the application of ss 83(2)(b) and 83(2)(h) of the LPA (Cap 161) was not limited to situations where a retainer exists. As such, the respondent would not be absolved of the duties he would have had as an advocate and solicitor.

(b) Similarly, in OA 6, at the first hearing before the DT, the DT highlighted its concerns regarding many of the charges framed by the Society possibly being premised on a retainer between the complainant and the respondent. The amended statement of case was then filed with the DT's leave. As a result, the alternative charges to the second to fourth charges no longer had references to provisions of the PCR and PMLR (see [98] above).

(c) The issue of whether a solicitor-client relationship existed between the complainant and the respondent was not considered by the Society or the DT in OA 7.

102 We invited both the Society and the respondent to file further submissions on this point. Again, the respondent did not enter a response. In their submissions, the Society confirmed that they were proceeding on the basis that there was *no* solicitor-client relationship between the respondent and the Complainants, but that the relevant rules in the PCR, SAR, and PMLR may be engaged regardless, and the charges are made out even without an underlying solicitor-client relationship. As we explain later, we accept the Society's submission that the rules engaged in these proceedings do not require an underlying solicitor-client relationship.

***Our decision: the Workplace Injury Charges are satisfied beyond a reasonable doubt***

103 We agree with the Society and the DT’s analysis below and find that the Workplace Injury Charges are satisfied beyond a reasonable doubt and that there is due cause for sanction. As aligned with the approach at [79] above, we will not deal with the alternative charges framed under s 83(2)(h) of the LPA (Cap 161), as the DT convicted the respondent on all of the charges under the more serious limb of s 83(2)(b). Likewise, for the first charge in OA 6, primarily framed under s 83(2)(j) of the LPA (Cap 161) (see at [96(a)] above), we instead examine the alternative charge framed under s 83(2)(b) (see at [96(b)] above), in the interest of juridical consistency with the remainder of the Workplace Injury Charges that are framed under that sub-section, given that the nature of the respondent’s offending is similar throughout the charges and should be subject to the same or similar legal test. In the interest of clarity:

(a) For all the charges framed under s 83(2)(b) in OA 16, they were framed under the “grossly improper conduct” limb of offending. Thus, for there to be a conviction, the Dishonour Formulation at [91] above would have to be satisfied beyond a reasonable doubt.

(b) For the first alternative charge and the remaining main charges in OA 6 framed under s 83(2)(b), they were framed under the “improper conduct or practice” limb of offending under either ss 83(2)(b)(i) or 83(2)(b)(ii) of the LPA (Cap 161). The same is true of the five charges in OA 7. For these, the applicable legal standard is not the Dishonour Formulation, but whether there was a “serious breach of professional rules” on the part of the respondent (see *Joseph Chen* at [150], applying *Wong Sin Yee* at [23]), specifically, the rules promulgated by the Society’s Council or the Professional Conduct Council under, *inter alia*,

ss 70H or 71 of the LPA (Cap 161), those being the PMLR, SAR, and PCR (see at [96(b)], [97] and [99] above).

104 The gravamen of the Workplace Injury Charges is that the respondent never even met the Complainants and therefore had no information about them. He relied entirely on a third party despite the multiple red flags that arose. As will be explained, based on the DT's findings and the evidence, including the respondent's own admissions, there were serious lapses in the discharge of the respondent's duty as a solicitor at *every* step of the way:

(a) First, the respondent failed to conduct customer due diligence measures and therefore could not verify his purported client's identity. He neglected to keep proper records of his alleged meetings with his clients, and he could not support his account that he did ascertain his clients' identities and instructions.

(b) Second, the respondent failed to ascertain the Complainants' instructions, and that he did have the authority to act for the Complainants. In this regard, he failed to ensure that Mr Ranjit had the authority to convey instructions on behalf of the Complainants, including any POA or WTA purportedly signed by the Complainants that was provided to the respondent by Mr Ranjit. In fact, the respondent had delegated almost all of his responsibilities to the purported clients to Mr Ranjit. Further, the respondent also failed to communicate directly with the Complainants, at any point, to verify those instructions.

(c) The respondent then acted on those unverified instructions without the Complainants' knowledge and consent. Broadly, he took conduct of the suits and settled them. In OAs 16 and 7, the respondent received and disbursed the settlement sums to Mr Ranjit.

(d) Finally, he failed to exercise proper supervision over Mr Ranjit, who was working under him.

105 Although the respondent did not participate in the DT proceedings below or in these proceedings, his defence may be gleaned from his interactions with the Inquiry Committee and/or email correspondences between himself and the Complainants. In sum, it was as follows: (a) he conducted video calls between himself and the Complainants to verify their identity and instructions; (b) he trusted Mr Ranjit; and (c) he genuinely believed in the authenticity of the forged documents, such as the WTAs and/or POAs, shown to him by Mr Ranjit. In our view, as we will explain, none of these assist the respondent.

106 We will first consider whether the rules, as relied on by the Society in the various charges, require a solicitor-client relationship. Thereafter, we will address the respondent's conduct as alleged in the charges and whether there is due cause for sanction. Before turning to the analysis proper, we also clarify that the C3J makes no finding of dishonesty on the respondent's part, given that Mr Ranjit's and also the respondent's extent of involvement in the forgeries is unclear, as both the Society and the DT took the position that dishonesty on the respondent's part is not made out beyond a reasonable doubt. That said, even without a finding of dishonesty, the charges are made out. Further, we also caveat that these findings are strictly for the purposes of the disciplinary proceedings before the C3J and should not bind any other court dealing with any criminal proceedings involving the respondent or Mr Ranjit.

*The charges do not require a solicitor-client relationship*

107 We first examine whether the respondent could be in breach of the various rules as set out in his charges, even where no solicitor-client relationship

(whether express or implied) existed between him and the Complainants. In other words, the issue before us is whether the respondent owed duties to these parties who were not his clients. We answer this in the affirmative, in the context of the specific rules engaged in this case.

108 It is clear that a solicitor can owe duties to a *prospective* client. In *Law Society of Singapore v Lee Suet Fern (alias Lim Suet Fern)* [2020] 5 SLR 1151 (“*Lee Suet Fern*”), the court stated (at [68]) that any communications between a solicitor and a prospective client remain subject to legal advice privilege even in the absence of a concluded retainer. In *Attorney-General v Shanmugam Manohar and another* [2024] SGHC 28 (overruled, on a separate basis, in *Attorney-General v Shanmugam Manohar and another* [2025] 1 SLR 189), the court acknowledged (at [59]) that a solicitor owes a duty to explain to a prospective client the terms of their retainer and their respective rights and obligations thereunder. This duty arises *before* the warrant to act is signed. Necessarily, these duties arise at a point before any solicitor-client relationship is established.

109 Notably, in *Lee Suet Fern*, the court held that certain charges against the respondent solicitor were not made out, as those were premised on a solicitor-client relationship when there was no such relationship (at [137]–[139]). Those charges were framed as breaches of rr 25(a), 25(b) and 46(d) of an older version of the PCR, the Legal Profession (Professional Conduct) Rules (2010 Rev Ed) (“PCR 2010”). The rules engaged in *Lee Suet Fern* were as follows:

**Conflict of interest**

**25.** *During the course of a retainer, an advocate and solicitor shall advance the client’s interest unaffected by —*

- (a) any interest of the advocate and solicitor; ...
- (b) any interest of any other person.

**Gift by will or inter vivos from client**

**46.** Where a client intends to make a significant gift by will or inter vivos, or in any other manner, to –

...

(d) any member of the family of the advocate and solicitor,

the advocate and solicitor shall not act for the client and shall advise the client to be independently advised in respect of the gift.

[emphasis added]

110 Based on a plain reading of the above, r 25 of the PCR 2010 imposes an obligation on a solicitor to advance his client’s interest *during* the course of a retainer. Although no similar prescription is made in r 46(d), this rule deals with a solicitor opting to retain and act for a client who intends to make a significant gift to the solicitor’s family. Counsel for the Society submitted that those rules engaged in *Lee Suet Fern* seek to resolve conflicts of interest between a client and a solicitor, *ie*, they are only engaged during an established solicitor-client relationship. To the contrary, the rules engaged in the present case concern obligations that necessarily arise even prior to that. We agree with counsel for the Society, after considering the individual rules engaged in the present proceedings.

111 With respect to the PCR, the following rules are engaged: rr 5(5), 32 and 39(2)(g). We reproduce these rules here:

**Honesty, competence and diligence**

**5.—** ... (5) When a legal practitioner is given instructions purportedly on behalf of his or her client, the legal practitioner must —

(a) ensure that the person giving those instructions has the authority to give those instructions on behalf of the client; or

(b) if there is no evidence of such authority, obtain the client's confirmation of those instructions within a reasonable time after receiving those instructions.

...

**Responsibility for staff of law practice**

**32.** 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.

...

**Touting and referrals**

**39.—(1)** A legal practitioner or law practice must not tout for business or do anything which is likely to lead to a reasonable inference that the thing was done for the purpose of touting.

(2) Without prejudice to the generality of paragraph (1), where there is reason to believe that a client is referred to a legal practitioner or law practice by any other person, the legal practitioner or law practice —

...

(g) must communicate directly with the client to obtain or confirm instructions when providing advice and at all appropriate stages of the transaction.

112 Rule 32 most clearly applies irrespective of a solicitor-client relationship, since this rule governs a solicitor's responsibility for the staff who work under them. Such duty of supervision is distinguishable from that owed to any particular client. Turning to the other applicable rules, in our view, the term "client" as referred to in rr 5(5) and 39(2)(g) is broad enough to encompass a *prospective* client. While the term "client" is not specifically defined in the PCR, guidance may be drawn from the LPA (Cap 161) since the PCR was formulated in the exercise of powers conferred by s 71(2) of the LPA (Cap 161). A client is defined under s 2 as follows:

"client" *includes* –

(a) in relation to contentious business — any person who, as a principal or on behalf of another person, retains or employs, or

*is about to retain or employ*, a solicitor, and any person who is or may be liable to pay the costs of a solicitor, law corporation or limited liability law partnership; ...

[emphasis added]

113 A client includes an individual who is “about to retain or employ” a solicitor. As espoused by Jeffrey Pinsler SC, this makes it “evident [that] a client is not merely a person who has already retained the lawyer”, *ie*, it includes a prospective client. Pinsler SC explains further in *Legal Profession (Professional Conduct) Rules 2015: A Commentary* (Academy Publishing, 2nd Ed, 2022):

05.006 As is evident, a client is not merely a person who has already retained the lawyer. The term includes a person who “is about to retain or employ” an advocate and solicitor. *This makes sense because the relationship between client and advocate and solicitor often arises just before it is formalised.* The client meets the advocate and solicitor and then decides to retain the latter. *Accordingly, the advocate and solicitor must consider every person who seeks his professional advice to be a client even if the client decides not to retain him after the first encounter.* Legal professional privilege protects communications between a person and an advocate and solicitor if the latter has been consulted in his professional capacity so that the communications are referable to their relationship of advocate and solicitor and client. This is so even if the advocate and solicitor is not retained.

[emphasis added]

114 We additionally observe that the LPA (Cap 161) prescribes the term “client” to “*include*” an enumerated category of individuals. This differs from the phrasing of other definitions in s 2 of the LPA (Cap 161), where a term is defined to “*mean*” something specific. The definition of “client” in s 2 is thus non-exhaustive.

115 Moreover, it is common-sensical that the duty to confirm instructions in rr 5(5) and 39(2)(g) of the PCR should similarly arise in respect of a prospective client. As a matter of principle, where a third party informs a solicitor that a

prospective client wishes to engage his services, it would be critical for the solicitor to confirm the correctness of these instructions. In other words, where directions provided by a third party relate to the solicitor's *fundamental* authority to act, it is incumbent on a solicitor to verify these directions *before* acting. It would be contrary to the intention of these rules if a solicitor could escape liability merely because it turned out that no valid retainer in fact existed.

116 As regards the PMLR, the rules engaged are rr 4, 6(1), 7(a) and 11(1). Similarly, we find that these rules all require a legal practitioner to perform the prescribed customer due diligence measures “before the start, or during the course, of establishing a business relationship with the client”, which would include a point in time where the client is merely prospective:

**Prescribed customer due diligence measures**

4. For the purposes of section 70C of the [LPA], a legal practitioner or law practice must perform the customer due diligence measures prescribed in this Part.

...

**General customer due diligence measures in relation to client**

6.—(1) At the applicable time specified in rule 11, a legal practitioner or law practice must perform the following customer due diligence measures in relation to a client:

- (a) ascertain the identity of the client;
- (b) verify the client's identity using objectively reliable and independent source documents, data or information;
- (c) take reasonable measures to determine whether the client is a politically-exposed individual, or a family member or close associate of any such individual;
- (d) identify and, if appropriate, obtain information on the purpose and intended nature of the business relationship with the client.

...

**General customer due diligence measures in relation to individual purporting to act on behalf of client**

7. At the applicable time specified in rule 11, a legal practitioner or law practice must perform the following customer due diligence measures in relation to an individual purporting to act on behalf of a client:

- (a) verify whether the individual is authorised to act on behalf of the client;

...

**Timing of certain customer due diligence measures**

11.—(1) Subject to paragraph (2), the applicable time for performing, in relation to a client, the customer due diligence measures referred to in rules 6(1) and (2), 7, 8(1), (2) and (3), 9(2) and 10(2) and (3) is *before the start, or during the course, of establishing a business relationship with the client.*

[emphasis added]

117 The term “client” is distinctly defined in r 2 of the PMLR, and it is principally identical to the definition of “client” as in the LPA (Cap 161) as well. For the reasons at [112]–[114] above, we find that “client” for the purposes of the PMLR may also include prospective clients. Rule 2 of the PMLR is reproduced below for ease of reference:

“client” includes —

- (a) in relation to contentious business, any person who, as a principal or on behalf of another person, *retains or employs, or is about to retain or employ, a legal practitioner or law practice;* and

- (b) in relation to non-contentious business, any person who, as a principal or on behalf of another person, or as a trustee, an executor or an administrator, or in any other capacity, has power, express or implied, to retain or employ, and *retains or employs or is about to retain or employ, a legal practitioner or law practice;*

[emphasis added]

118 Finally, we turn to rr 7 and 8 of the SAR:

**Moneys which may be drawn from client account**

**7.—(1)** There may be drawn from a client account —

(a) in the case of client’s money, any money paid into the client account under rule 4(e) or (f), or any conveyancing money or anticipatory conveyancing money deposited into the client account before 1st August 2011 which continues to be held in the client account under rule 17(1)(a) —

- (i) money properly required for a payment to or on behalf of the client;
- (ii) money properly required in full or partial reimbursement of money expended by the solicitor on behalf of the client;
- (iii) money drawn on the client’s authority;
- (iv) money properly required for or towards payment of the solicitor’s costs where a bill of costs or other written intimation of the amount of the costs incurred has been delivered to the client and the client has been notified that money held for him will be applied towards or in satisfaction of such costs; and
- (v) money to be transferred to another client account;

...

**Money from client account – how drawn**

**8.—(1)** Except as provided under rule 7, no money shall be drawn from a client account unless the Council upon an application made to it by the solicitor specifically authorises in writing such withdrawal.

119 We agree with the Society that the definition of “client” and “client’s money” are quite broad, such that a solicitor-client relationship is not required for rr 7 and 8 under the SAR to apply. The focus of rr 7 and 8 is on safeguarding the money received by a solicitor on account of another, regardless of whether the money was received in the context of a solicitor-client relationship or not. The relevant definitions, as found in r 2 of the SAR, support such an understanding:

“client” means any person on whose account a solicitor holds or receives client’s money;

“client account” means —

(a) a current or deposit account maintained in the name of a solicitor at a bank; or

(b) a deposit account maintained in the name of a solicitor with an approved finance company,

in the title of which account the word “client” appears;

“client’s money” means money held or received by a solicitor on account of a person for whom he is acting (in relation to the holding or receipt of such money) either as a solicitor, or in connection with his practice as a solicitor, an agent, a bailee or a stakeholder or in any other capacity, other than ... [exceptions omitted which are not relevant for our present purposes]

120 For our present purposes, “client’s money” refers to either: (a) money held or received by a solicitor on account of a person for whom he is acting as a solicitor; or (b) money held or received by a solicitor on account of a person for whom he is acting, “in connection with his practice as a solicitor”. The wording of (b) indicates that the rules in relation to the handling of “client’s money” would also apply to situations concerning a prospective client, or where there is no solicitor-client relationship. The definitions of “client” and “client account” also suggest that a solicitor-client relationship is unnecessary for the SAR to be engaged. The definition of “client” *depends* on the definition of “client’s money”. In other words, if a solicitor holds money on account of a person whom the solicitor is acting for (whether as a solicitor or in connection with his practice), then that person is a client for the purposes of the SAR. Here, there is no doubt that the respondent received the money on his understanding that he was representing the Complainants. The rules in the SAR would be broad enough to apply to the present case involving putative clients.

121 In sum, the respondent can be in breach of the rules discussed above, even though there was no solicitor-client relationship between him and the

Complainants. These rules may apply to prospective clients and were also intended to govern a solicitor’s duties and measures to be taken in respect of these prospective clients before acting for them.

*The failure to perform customer due diligence*

122 This sub-section of the judgment addresses the respondent’s failure to perform customer due diligence measures in respect of the Complainants (see at [104(a)] above). In our view, the charge premised on this misconduct is plainly made out. The respondent failed to produce any records of his customer due diligence, and the Complainants’ unchallenged evidence is that they never spoke to the respondent before their suits were settled.

123 In the Society’s Practice Directions [3.2.1] (“PD 3.2.1”) on the PMLR at 3.6.1, guidance is provided on the necessary basic customer due diligence measures:

- (a) The advocate and solicitor must at least obtain and record from the client: (i) his full name, including aliases; (ii) date of birth; (iii) nationality; and (iv) residential address.
- (b) The advocate and solicitor must verify the client’s identity using *objectively reliable and independent* source documents, data or information to ensure the authenticity of the information provided to them. Such documents include: (i) identity cards; (ii) passports; (iii) driving licences; (iv) work permits; and (v) other appropriate photo identification.
- (c) If the advocate and solicitor is unable to meet the client face to face, he may rely on a copy of the identity documents and, if appropriate,

require that these documents be certified as true copies by other professionals though this is not necessary for straightforward matters and where the risks of money laundering or terrorism financing and misidentification of the client are low. Alternative measures may also include getting the client to show his identity document over a video call for inspection.

If the practitioner is unable to complete any of these measures, as *per* 3.15 of the PD 3.2.1, he “must not commence any new business relationship” and “must terminate any existing business relationship with the client”. The respondent did not comply with any of these requirements.

124 The respondent claimed to have spoken with the Complainants in video calls, with Mr Ranjit in attendance as a translator for Bengali, during which he confirmed the Complainants’ identities and their instructions. However, we agree with the DTs that there was no evidence that such video calls took place and that, even if such calls did take place, it is unclear if the respondent was speaking with the respective Complainants. Indeed, the respondent was unable to produce any meeting minutes or record of such calls. It is well-established that where there is an absence of attendance and correspondence notes of a legal practitioner’s dealings with a client, the court may draw an adverse inference against the legal practitioner, even to the point of totally rejecting the practitioner’s version of events (see *Law Society of Singapore v Udeh Kumar s/o Sethuraju* [2013] 3 SLR 875 (“*Udeh Kumar (2013)*”) at [70]).

125 For OA 16, the respondent claimed to be in the habit of making routine video calls to his clients. As such, he “would have” contacted Mr Sikder to verify his identity, confirmed that Mr Sikder wished to appoint Mr Ranjit, and confirmed that Mr Ranjit had the right to receive money on the respondent’s

behalf. However, the respondent stated that he “[did] not keep a record of which clients [he] call[ed] daily”.

126 With respect to OA 6, the respondent asserted that he engaged in three video calls with Mr Ranjit and Mr Zulfikar, during which Mr Zulfikar allegedly confirmed that he had entrusted his case to Mr Ranjit. However, as noted by the DT, this did not take the respondent very far. The respondent admitted that he did not take down any notes of these video calls and was unable to tender any evidence of the same. The respondent also did not seek to verify the identity of the person he believed to be Mr Zulfikar in these video calls and accepted that he had failed to maintain any customer due diligence records.

127 As for OA 7, it was alleged by an unknown representative from Whitefield, in an email to Mr Sarker, that the respondent had communicated with Mr Sarker *via* video call with Mr Ranjit as an interpreter. During the call, Mr Sarker purportedly confirmed that the respondent was authorised to act on his behalf, and that he was prepared to pay for legal costs up to \$10,000. However, again, there was no evidence that such a call took place.

*The failure to confirm instructions or his authority to act*

128 This sub-section of the judgment addresses the respondent’s failure to confirm instructions and his authority to act (see at [104(b)] above), which encompasses the respondent’s reliance on Mr Ranjit without verifying the latter’s authority to convey instructions, and the failure to then verify such instructions with the Complainants directly. It is undisputed that the respondent did not actually have such authority. The Complainants never spoke to the respondent before their suits were settled, much less authorised him to act for them. It is similarly undisputed that the various documents which purported to

authorise the respondent to act for the complainant, such as the POA and discharge voucher in OA 16 or the POA and WTA in OA 6, were forged.

129 First, the respondent had not at any point ascertained Mr Ranjit’s authority to convey instructions on behalf of the Complainants, in breach of rr 4, 7(a) and 11(1) of the PMLR. According to the PD 3.2.1 at 3.9, to verify whether the third party was authorised to act on behalf of a client, the solicitor may: (a) confirm this with the client; and (b) rely on any documents or information provided by the third party or by the client. The former was clearly not done. In so far as the respondent relied on the video calls as evidence of his or Mr Ranjit’s authority to act or convey instructions respectively, as explained above, this did not assist his case.

130 With respect to any documents or information provided by Mr Ranjit, the respondent appears to have taken these at face value, despite the suspicious circumstances. In response to one of Mr Sarker’s emails, the respondent stated that he had genuinely believed in Mr Ranjit’s authority to convey instructions, based on certain documents shown to him. While it was not entirely clear which documents the respondent was referring to, it appears to be the following: (a) a payment voucher dated 8 July 2019 stating that Mr Sarker “authorise[s] [Mr Ranjit] to take any decision regarding [his] industrial accident matter”; and (b) a discharge letter dated 3 August 2020 stating that Mr Sarker wished to discharge his previous law firm and engage Whitefield in their stead. To the extent that the respondent was referring to these documents, they do not constitute satisfactory evidence of Mr Ranjit’s authority to act on Mr Sarker’s behalf. Blind reliance on these documents, without Mr Sarker’s confirmation, would not adequately discharge the respondent’s duties.

131 After all, the payment voucher and the discharge letter had multiple suspicious markers that should have been apparent to the respondent. With respect to the payment voucher, this was dated 8 July 2019, at a time *before* the suit filed on Mr Sarker’s behalf even commenced on 18 December 2019. A payment voucher was also a highly atypical medium to record an agreement authorising a solicitor to act. In any event, the lawyer allegedly authorised to act for Mr Sarker, as recorded in the payment voucher, was *Mr Ranjit* and not the respondent. As to the discharge voucher, this was allegedly thumb-printed by Mr Sarker on 3 August 2020, but he would have already left Singapore for more than a year by then.

132 Further, as we explain below, there were multiple unusual features in this case, such that it would be plainly unreasonable for the respondent to rely on any document or information provided by Mr Ranjit at face value. Most notably, Mr Ranjit, who was conveying instructions on the Complainants’ behalf, stood to benefit immensely from the transactions by receiving a huge cut of their settlement payouts.

133 We turn to our second point. The respondent failed to communicate *directly* with the Complainants even though they were referred by a third party (a breach of r 39(2)(g)), and despite there being no evidence of that third party’s authority to instruct on the Complainants’ behalf (a breach of r 5(5)). In fact, the respondent had delegated almost all responsibility *vis-à-vis* the Complainants to Mr Ranjit. It is deeply troubling that, in his e-mails to the Inquiry Committee in OA 6, the respondent emphasised that his role was limited to “legal work” and that it was reasonable for him to have relied on Mr Ranjit to do as the latter “deemed fit”:

What identifiable wrong doing [sic] by me is there? The truth is that the client seems to have entrusted [Mr Ranjit] with the case in return for the advance, happy to take the money and go back, and entrusted [Mr Ranjit] to sign documents relating to process the case. *MY role [sic] only to do the legal work.* Complaint is self-contradictory because the very complaint shows that he trusted Ranjit entirely and therefore *it is reasonable to assume that Ranjit would have had his authorization to generally handle the case as he deemed fit.* As to whether there was forgery, I do not know at all and *I only know that these documents were presented by [Mr Ranjit] to me and I forwarded them on.* My belief was entirely reasonable.

[emphasis added]

134 While reasonable delegation of tasks is permitted, substantial or even total abdication of a solicitor’s responsibility to a client, like in the present case, is not. In fact, in a case where a client is referred by a third party, the lawyer is under a *personal* responsibility to communicate directly with the client, as there is a greater danger that referred clients may be in a vulnerable position (see *Udeh Kumar (2013)* at [61] and [64]). The lawyer must personally ensure that the referred client’s interests are not in any way undermined by those of the referrer. This additional obligation is statutorily embedded in r 11A(2)(f) of the Legal Profession (Professional Conduct) Rules (2000 Rev Ed), which is *in pari materia* to r 39(2)(g) of the PCR.

135 In spite of the Complainants’ vulnerability as not only referred clients but migrant workers who were no longer physically in Singapore to oversee their suits, the respondent took the surprising position that the relationship between Mr Ranjit and one of the Complainants, Mr Sikder, was a “personal spat or dispute” which was “none of his concern”, and that he had “no actual knowledge of the financial dealings between” Mr Sikder and Mr Ranjit. Indeed, the fact that there were difficulties between Mr Ranjit and Mr Sikder should have raised reasonable suspicion as to whether the former was truly representing the latter’s interests. We also note that the POAs executed contained extreme

terms (see at [24(a)] and [32(c)] above), which placed the Complainants at a huge disadvantage, such as a clause for blanket authorisation to deduct fees and disbursements from the settlement sums.

136 It is irrelevant that the respondent allegedly reposed a “high level of trust” in Mr Ranjit. The respondent still ought to have verified the purported instructions with the Complainants. The case of *Fong Maun Yee and another v Yoong Weng Ho Robert* [1997] 1 SLR(R) 751 (“*Fong Maun Yee*”) is instructive in this regard. There, the respondent solicitor and a third party were long-time acquaintances. That third party handed the respondent solicitor a forged company resolution appointing the respondent solicitor to act for that company in the sale of a property, which the latter relied on as genuine. Although the respondent solicitor was innocent of the forgery, the Court of Appeal nevertheless found him negligent, as in those circumstances he ought to have verified, with the appointee company, his instructions to act for it (at [41]–[43]). In coming to this conclusion, the Court of Appeal (at [48]) endorsed the following three-stage test set out in *Edward Wong Finance Co Ltd v Johnson Stokes & Master* [1984] AC 296 at 306:

In assessing whether the respondents fell short of the standard of care which they owed towards the appellants, three questions must be considered: first, does the practice, as operated by the respondents in the instant case, involve a foreseeable risk? If so, could that risk have been avoided? If so, were the respondents negligent in failing to take avoiding action?

137 With the above in mind and returning to the present facts, the respondent’s conduct clearly amounted to improper conduct. This was the respondent’s first time representing the Complainants, individuals whom he had never met. Moreover, the respondent was receiving the purported instructions from Mr Ranjit, someone who benefitted from the transactions by taking a huge

cut of the settlement sum (see also *Fong Maun Yee* at [43]). There was a clear and sizeable risk in carrying out these transactions.

138 In so far as the respondent argues that he was uninvolved in the forgeries and had genuinely believed in the authenticity of these documents, this did not assist him either. The respondent was still grossly negligent in failing to take any measures to verify that those documents were indeed signed by the Complainants. We note that in OAs 16 and 6, the POAs were duly attested to before a Notary Public in Bangladesh. The respondent relied on these as genuine. In *Cristian Priwisata Yacob and another v Wibowo Boediono and another and another suit* [2017] SGHC 8 (“*Cristian Priwisata*”) (at [242]), the court observed that solicitors may generally rely on a notarised document as being proper, though this is not always the case. Whether a solicitor is expected to take further steps to establish the client’s identity depends on the specific circumstances of each case. As such, even if the POA was notarised, this did not in itself mean that the solicitor could rely on it entirely to discharge his duty of care, particularly if the notarisation raised red flags, such as how the documents were brought to and from the notary public and then to the solicitor. While *Cristian Priwisata* was not decided in the context of disciplinary proceedings, it provides useful guidance on the standard of care expected of a reasonable solicitor in confirming his authority to act. In the present case, as the DT in OA 6 observed, the respondent was not involved in any way in the instruction and preparation of the POA – it was either simply handed to him by Mr Ranjit, or his “staff told [him]” that Mr Sikder sent these documents over. In our judgment, as explained at [128]–[137] above, it was plainly insufficient for the respondent to rely on what Mr Ranjit or others told him, given that he was being asked to represent a client whom he has a duty to verify the

instructions of. Consequently, the respondent would not be entitled to rely on the fact that the POAs were purportedly notarised to discharge his duty of care.

*Acting without authority*

139 We now turn to the respondent's act of taking over the Complainants' suits, settling them, and receiving and disbursing their settlement sums to Mr Ranjit without their knowledge (see at [104(c)] above). These amounted to breaches of rr 7 and 8 of the SAR for the mismanagement of client moneys, and, more generally, breaches of r 5(5) of the PCR as a result of the failure to confirm the Complainants' instructions before acting for them.

140 Again, it is unchallenged that the Complainants had no knowledge of any of the above actions taken by the respondent in the suits. The respondent took significant steps in their suits which affected the Complainants' interests intimately. Yet, there is no evidence that he notified them, let alone sought their authorisation, for each step. With respect to the handling of client moneys in particular, it is trite that liability under the SAR is strict, to preserve public confidence that moneys held by solicitors will be properly safeguarded and legitimately disbursed (see *Edwin Tay* at [17]). In this case, the act of drawing client's moneys from the Client Account to pay Mr Ranjit was clearly unauthorised. The charges are made out beyond a reasonable doubt.

141 We highlight a few aggravating circumstances, which best exemplify the respondent's extent of negligence in this regard. First, as we outlined earlier, most, if not all, of the settlement sums were paid to Mr Ranjit, the party who was supposedly authorised to give instructions on the Complainants' behalf.

- (a) In OA 16, \$32,584 of \$41,821.80 went to Mr Ranjit. The remainder went to Whitefield as legal costs. Mr Sikder received nothing.

(b) In OA 6, \$18,000 of \$37,465.40 went to Mr Ranjit, though this was the result of Mr Zulfikar’s timely intervention and after a claim in the district court (see [37] above). Mr Zulfikar only received \$9,707.25.

(c) In OA 7, \$23,000 of \$30,000 went to Mr Ranjit. The remainder went to Whitefield as legal costs. Mr Sarker received nothing.

142 This pattern would have put any reasonable person on notice. Yet, the respondent simply disbursed client’s moneys despite the unusual circumstances. As mentioned earlier, the respondent even took the view that the difficulties or financial dealings between Mr Ranjit and Mr Sikder were “none of his concern”. The respondent also stated in a letter to the Inquiry Committee that “*upon sight*” of “[Mr Sarker’s] thumbprint and also the [POA]” presented, he “released the full sum to [Mr Ranjit] and did not take a single cent for [himself]”.

143 Second, we highlight the respondent’s taking over of the suit in reliance on the WTA and POA in OA 6, by filing multiple successive notices of change of solicitor in the suit, without any confirmation that these were actually Mr Zulfikar’s instructions. A total of *12 notices* were filed by both JCC and Whitefield within the span of approximately three months. The following events transpired during this time, which exemplify the respondent’s complete disregard for whether he had the authority to act, and his indifference towards the Complainants whom he regarded as his clients:

(a) On 29 November and 8 December 2020, the respondent emailed Ms Grace Tan Hui Ying, a director of WhiteFern, that Whitefield had taken over conduct of the matter, and requested the discharge voucher and cheque for the settlement sum “urgently”. Within those two emails, the respondent attached the Three OA 6 Documents as proof of his

authority to act for Mr Zulfikar. Nonetheless, in view of the numerous notices of change of solicitor filed, WhiteFern refused to send the requested documents over until the dispute over which firm had authority to act for Mr Zulfikar was resolved.

(b) Between 8 December 2020 and 25 January 2021, the dispute persisted over email. Both Whitefield and JCC, in emails to WhiteFern, insisted that they were the solicitors on record for Mr Zulfikar. WhiteFern maintained that they would continue to withhold the cheque until “there is a clear and unequivocal position” as to which firm was acting for Mr Zulfikar.

(c) On 25 January 2021, WhiteFern requested a meeting with the respondent to “discuss a list of files which [the respondent was] on record for” and to inspect the *original* versions of the Three OA 6 Documents. Following that meeting, WhiteFern confirmed they were not satisfied with the authenticity of the documents shown to them as the Three OA 6 Documents were either clearly photocopies, or the signature on those documents did not match Mr Zulfikar’s signature on WhiteFern’s own records. WhiteFern then requested for “video evidence” of Mr Zulfikar “signing [his] original Warrant to Acts [*sic*] and Power of Attorney”, and “stating for the record that [he] authorised [Whitefield] to act on their behalf and to receive settlement payments”. These were never provided by the respondent. It would be recalled that Mr Zulfikar had refused to provide such a video to Mr Ranjit at the latter’s request (see [35]–[36] above).

144 In sum, even after an aggressive challenge by JCC as to which firm had the authority to act for Mr Zulfikar, after WhiteFern shared their reservations as

to whether the respondent truly had the authority to act for Mr Zulfikar *and* after it pointed out that Mr Zulfikar’s signature did not match that on the respondent’s documents, the respondent still continued to rely on those documents to request for the settlement sum and persisted in filing a further NOC. It defied reason for the respondent to not have directly confirmed Mr Zulfikar’s instructions in spite of such circumstances.

*The failure to supervise Mr Ranjit*

145 We turn to the final category of misconduct, regarding the respondent’s failure to supervise Mr Ranjit (see at [104(d)] above). This charge alleges that the respondent: (a) failed to ensure that Mr Ranjit had obtained authorisation for Whitefield to act on Mr Sarker’s behalf; (b) failed to ensure that Mr Ranjit had obtained authorisation to enter into a settlement agreement with AIG; and (c) failed to ensure that Mr Ranjit had obtained authorisation or instructions from Mr Sarker in relation to the settlement sum.

146 In our view, this is proven beyond a reasonable doubt as well. Although the above charge was only framed in respect of OA 7, it is clear that the respondent failed to supervise Mr Ranjit at all, across all the Workplace Injury OAs. In OA 6, the respondent admitted to have “assume[d]” that Mr Ranjit had authorisation to act “as he deemed fit” (see [133] above), and, in OA 7, that “upon sight” of “[Mr Sarker’s] thumbprint and also the [POA]” presented, he “released the full sum to [Mr Ranjit]” (see [142] above).

147 For the avoidance of doubt, there appears to be no POA signed by Mr Sarker in OA 7, or at least not one that has been put in evidence. Nevertheless, it is clear that the respondent relied solely on the documents presented by Mr Ranjit and acted on that basis without more. The logical

conclusion of these premises is that the respondent did not check with Mr Sarker if he had duly authorised Mr Ranjit to act. The respondent later even privately appealed to Mr Sarker over email to join him in filing a police report against Mr Ranjit for acting without Mr Sarker's consent, instead of filing a complaint to the Society.

148 By virtue of the above, we find that all the Workplace Injury Charges are proven beyond a reasonable doubt and that there is indeed due cause for sanction. The respondent was grossly negligent at almost every step of the way when handling the Complainants' suits, which led to them being deprived of most, if not all, of the fruits of their litigations. These were not one-off or technical breaches, but systematic and substantive ones that amply satisfied either the Dishonour Formulation at [103(a)] above or the test of a serious breach of the applicable professional rules of conduct at [103(b)] above, as the case may be.

### **Issue 3: Whether the convictions on the Court Conduct Charges should be affirmed**

#### ***The DT's convictions***

149 The DT convicted the respondent of the Court Conduct Charges, which pertained to the Judicial Review Application at [47] above. The first charge concerned the abuse of process committed by the respondent in prosecuting the Judicial Review Application upon grounds (stated at [45] and [48] above) that were essentially repetitive of the Criminal Review Application, as the Court of Appeal observed at [52] above. The second to fourth charges pertained to the material misrepresentations of fact made by the respondent to Ramesh J at the hearing of the Judicial Review Application. The second charge concerned the misrepresentation that the two applications covered distinct subject-matters

(at [49] above), the third charge concerned the misrepresentation that one of the Prisoners had an IQ of 67 which was “undisputed” (at [50] above), and the fourth charge concerned the misrepresentation to Ramesh J (at [51] above) and on affidavit (at [47] above) that the SPS had a purported internal policy against executing mentally disabled persons.

150 The first charge was framed under the “misconduct unbefitting” limb of offending in s 83(2)(h) of the LPA without an alternative version. The second to fourth main charges were framed pursuant to the “grossly improper conduct” limb of s 83(2)(b) of the LPA. They also all had alternative charges framed under the “misconduct unbefitting” limb of offending and based upon the same offending acts. As with our approach at [79] and [103] above, we will not concern ourselves with the alternative versions as the DT convicted him on the main charges.

151 The DT found beyond a reasonable doubt that the filing of the Judicial Review Application was an abuse of process, having been filed on substantially similar legal grounds as the Criminal Review Application, which had already been rejected on that very same day.

152 As for the material misrepresentations of fact in the second to fourth charges, they were all shown to be factually untrue –

- (a) There was no basis to assert that the two applications concerned distinct subject-matters (*ie*, that the Criminal Review Application dealt with “conviction” while the Judicial Review Application concerned “execution”) when both covered the same ground.

(b) There was no basis to assert that the IMH psychiatrists agreed with the diagnosis that Pausi’s IQ was 67, since the IMH reports did not contain any such diagnosis.

(c) The respondent had no evidence to support the assertion that the SPS had the policy that he asserted regarding the execution of mentally disabled prisoners. The bare assertion that there was such a policy was a misrepresentation in both the oral arguments before Ramesh J and the supporting affidavit deposed to by the respondent. However, the DT did not find that the respondent made the misrepresentation found in the prayer for declaratory relief in the Judicial Review Application itself, given that the originating summons listed “L F Netto” as the solicitor on record. There was no evidence that the respondent filed or drafted it.

153 Accordingly, the OA 12 DT convicted the respondent of the four Court Conduct Charges (save only in relation to the prayer in the originating summons at [152(c)] above) beyond a reasonable doubt.

***The Society’s submissions***

154 The Society rests on the factual findings of the DT below in relation to the Court Conduct Charges and adopts similar reasoning to the DT report as to why the ingredients of the charges are made out. In particular, the Society does not challenge the decision of the DT to accord what was *de facto* a partial acquittal on the fourth charge at [152(c)] above, in finding that the respondent was not legally responsible for the falsity in the originating summons, given the lack of evidence that he filed it or drafted its contents.

***Our decision: the Court Conduct Charges are satisfied beyond a reasonable doubt***

155 We agree with the Society that the analysis of the DT below on the Court Conduct Charges is impeccable and we affirm their convictions thereon beyond a reasonable doubt.

156 On the first charge at [48] above, it is clear that the prosecution of the Judicial Review Application was an abuse of process on the respondent’s part. An abuse of process encompasses any act which makes use of a legal procedure of the court in an improper manner, such as in bad faith, as a means of vexation and oppression, or to pursue “some other ulterior or collateral purpose” (see *Gabriel Peter & Partners (suing as a firm) v Wee Chong Jin and others* [1997] 3 SLR(R) 649 at [22]). Legal applications are available to allow court users to pursue their legitimate grievances and to vindicate their juridical interests. Where, however, an application is taken out with some other extraneous motive in mind, it makes a mockery of the legal process and burdens the court and, by extension, society at large with frivolous applications at the expense of both opposing counsel and other court users. This undermines the rule of law and public confidence in the courts as organs for the resolution of *genuine* legal disputes between litigants.

157 The pursuit of the Judicial Review Application is unquestionably an abuse of process. The Criminal Review Application was dismissed by the Court of Appeal on 15 February 2022, having rejected the four grounds asserted therein at [46] above. In so holding, the Court of Appeal made clear that there was no legal basis for revisiting the Re-Sentencing Decision at [44] above based on those four grounds. By filing the Judicial Review Application *that same day* shortly after the Criminal Review Application was dismissed, and averring in a

supporting affidavit that the application should be granted based on the *same* four grounds as that already rejected by the Court of Appeal, the respondent “commence[d] proceedings for the predominant purpose of achieving something other than what the legal process was designed to achieve (*ie*, a collateral purpose)” (see *ED&F Man Capital Markets Ltd v Straits (Singapore) Pte Ltd* [2020] 2 SLR 695 at [39]). It could not have been pursued for the purpose of ventilating a legitimate juridical dispute as to the illegality of the Prisoners’ sentences of death – the respondent *knew* in the circumstances that there was no such dispute because those *exact same grounds* had already been rejected by the Court of Appeal that same day. Indeed, the four grounds pleaded in the supporting affidavits for the two applications were *in pari materia*, based on nearly identical wording, down to the arguments and legal authorities cited (see at [45] and [48] above). The only difference was the additional line about Pausi’s IQ being asserted to be 67, which was not new information obtained between the two applications, being part and parcel of the *broader* asserted bases for re-opening the Re-Sentencing Decision in the prior Criminal Review Application, *viz*, the Prisoners’ alleged mental disabilities.

158 That being the case, the pursuit of the Judicial Review Application was not motivated by any genuine belief in the merits of the rehearsed four grounds for relief asserted therein. Instead, given the rejection of the Criminal Review Application on 15 February 2022 and the scheduled execution of the Prisoners on 16 February 2022, the circumstances support the inference that the Judicial Review Application was filed on 15 February 2022 to re-litigate the Court of Appeal’s rejection of the Criminal Review Application and to frustrate or delay the carrying out of the Prisoners’ death sentences through an eleventh hour application based upon grounds which the respondent knew, by that time, to be devoid of legal merit. It is precisely the sort of abusive and vexatious application

which the subsequent implementation of the Post-appeal Applications in Capital Cases Act 2022 (Act 41 of 2022) was meant to avert (see *Masoud Rahimi bin Mehrzad and others v Attorney-General* [2025] 3 SLR 1171 at [97]–[98]), namely, as a backdoor attempt to re-litigate concluded matters without a legitimate legal basis or a good faith belief in their merits through a last-minute application filed right at the doorstep of an impending execution (see, eg, *Kishor Kumar A/L Raguan v Public Prosecutor* [2025] 1 SLR 1276 at [34] and [44]).

159 Hence, we agree with the DT’s conviction of the respondent beyond a reasonable doubt on the first charge. In particular, we find that the “misconduct unbecoming” limb in s 83(2)(h) of the LPA is made out based on the standard of whether the respondent’s conduct brings discredit to the respondent as a lawyer or to the legal profession as a whole (see *Wong Sin Yee* at [24] and *Law Society of Singapore v Seah Zhen Wei Paul and another matter* [2024] 5 SLR 915 (“*Paul Seah*”) at [100]) (the “Discredit Formulation”). As we explained at [156] above, such abusive conduct tends to undermine public confidence in the legal and judicial system and bring the legal profession into disrepute by cultivating the impression that legal avenues exist to be manipulated by legal practitioners for disingenuous ends wholly unrelated to their proper *raison d’être* to achieve an outcome the lawyer is not entitled to obtain in law. Such conduct amounts to “discreditable conduct which tended to bring the profession as a whole into disrepute” (see *Joseph Chen* at [147]) and must be strenuously deterred so as to maintain public faith in the machinery of the courts as vehicles for *actual* legal disputes and controversies to be ventilated and not for cynical exploitation by legal practitioners.

160 As for the other three charges concerning the representations of fact at [49]–[51] above, there was no room to dispute that the respondent made these representations of fact. The Society does not challenge the DT’s exclusion of

the representation in the originating summons itself (at [154] above). The only remaining questions are whether the representations were false and whether they were dishonestly made.

161 The oral representations to Ramesh J on the two applications covering distinct grounds (see at [49] above) were clearly false. The respondent sought to portray the Criminal Review Application as pertaining *only* to “conviction” with the Judicial Review Application covering “execution”. This was patently untrue since the Criminal Review Application was an application to re-open the Re-Sentencing Decision, which *solely* concerned sentence and not conviction, *viz*, whether the Prisoners were eligible for the alternative sentencing regime under s 33B of the MDA. Given the questions posed by Ramesh J at the hearing which prompted these misrepresentations, which were aimed at pointing out that the Judicial Review Application appeared to canvass the same ground as that which the Court of Appeal had already considered and dismissed in the Criminal Review Application, this misrepresentation was motivated by a desire to create the false impression that the two applications were distinct such that the rejection of the latter would not jeopardise the prospects of success of the former.

162 There is no question that the misrepresentation was dishonest. It could not have been made with any honest belief in its truth, given that the respondent was the lawyer who argued the Criminal Review Application before the Court of Appeal the very day before, *viz*, at the hearing of 15 February 2022. Clearly, he would have known what grounds were canvassed in the Criminal Review Application and, indeed, those facts would have been fresh in his memory when he appeared before Ramesh J on 16 February 2022. In the circumstances, we are satisfied that this misrepresentation was *intentionally* dishonest, namely, the respondent *knew* they were false but made them regardless in a bid to convince

Ramesh J not to dismiss the Judicial Review Application merely on account of the Court of Appeal’s rejection of the Criminal Review Application. This was a gross violation of the respondent’s duty of candour to the court as an officer of the Supreme Court charged with aiding the administration of justice (see *Paul Seah* at [62]–[69]), and not perverting the course of justice through falsehoods and misimpressions as to facts material to the court’s decision (see *Bachoo Mohan Singh v Public Prosecutor and another matter* [2010] 4 SLR 137 at [114]), which is the very antithesis of a lawyer’s responsibility in assisting the court. In light of such dishonesty, there is no question that the Dishonour Formulation is made out (at [91] above) and the “grossly improper conduct” limb of s 83(2)(b) of the LPA is met. The conviction on the second charge is affirmed.

163 As for the oral representation to Ramesh J that it was *undisputed* that the IQ of Pausi was 67, as diagnosed by the IMH psychiatrists (see at [50] above), that too was a misrepresentation of fact that was dishonestly made. For context, the figure of “67” was derived from the diagnosis of Danny Ng of Renovaré Pte Ltd (the “Renovaré Report”) adduced as evidence for Pausi in the original Re-Sentencing Decision, which found (at p 5) that “[h]is general cognitive ability, as estimated by the WAIS-IV, is in the extremely low range (FSIQ = 67)”. However, none of the IMH psychiatrists who gave evidence or tendered reports in the Re-Sentencing Decision concurred with that diagnosis. Nothing in either the psychological report of Senior Clinical Psychologist Lim Jan Mei or the letter of Dr Jerome Goh Hern Yee diagnosed Pausi with an IQ of 67.

164 Given that the respondent was not Pausi’s lawyer at the time of the Re-Sentencing Decision, logically, one of two possibilities must be true. Either the respondent read the relevant psychological reports tendered in that proceeding, *knew* that the psychological reports were not *ad idem* as to Pausi’s IQ of 67, and

intentionally lied to Ramesh J by representing to the contrary, or he had not read the relevant IMH reports and, despite having no basis to believe it, recklessly informed Ramesh J that the IMH psychiatrists agreed with the IQ of 67 diagnosed within the Renovaré Report, not knowing for certain if it was true or false either way.

165 Assuming in the respondent’s favour that the latter was the case, he was at the very least *recklessly* dishonest, viz, “without caring whether it is true or false” (see *Law Society of Singapore v Udeh Kumar s/o Sethuraju and another matter* [2017] 4 SLR 1369 at [34] and *M Ravi (2024)* at [50]), and which remains a *dishonest* misrepresentation in the absence of a subjective *positive* belief in its truth (see *Winson Oil Trading Pte Ltd v Oversea-Chinese Banking Corp Ltd and another appeal* [2024] 1 SLR 1054 at [38]–[40]). In the circumstances, there was nothing that could support the inference that the respondent had sincerely but negligently believed that the IMH psychiatrists were *ad idem* with the IQ of 67 evaluated in the Renovaré Report. Nothing in the IMH reports could have led to that view. We find that this misrepresentation was dishonestly made in the reckless sense.

166 As for the final misrepresentation that the SPS had a policy against the execution of mentally disabled prisoners, as asserted by the respondent both in the supporting affidavit (at [47] above) and orally before Ramesh J (see at [51] above), that too was factually untrue. There was no evidence provided for such a policy’s existence in the Judicial Review Application. In any event, the existence of such a policy was categorically refuted by the AGC in *Nagaenthran a/l K Dharmalingam v Attorney-General and another matter* [2022] 2 SLR 211 (“*Nagaenthran*”) at [61(a)]:

As to the argument that carrying out the sentence imposed on the appellant would allegedly violate the internal policy of the SPS, no evidence of such a policy has been put before us. *Indeed, the evidence led by the respondent is to precisely the opposite effect.* It is not clear what the basis for this assertion was. It is also not clear how an agency's internal policy, assuming it is shown to exist in these terms, could possibly prevent the carrying out of a judicial verdict and sentence.

[emphasis added]

167 As for whether the misrepresentation was dishonest, we would not go so far as to find that it was intentionally dishonest beyond a reasonable doubt. The Society has relied on the evidence of the AGC refuting the existence of an internal policy to such effect in *Nagaenthran* at [61(a)]; but, in *Nagaenthran*, it was Ms L F Violet Netto who was the counsel on record for the applicant in that case, and Ms Netto – not the respondent – appeared for him at the hearings in March and May 2022. Instead, as with the earlier misrepresentation of fact, we find that it was recklessly as opposed to intentionally dishonest, *viz*, that the respondent, knowing he had no basis to believe in the existence of the asserted internal policy of the SPS, nonetheless asserted its existence anyway, without caring either way if the statement was true or false (see *M Ravi (2024)* at [50], relying on *Loh Der Ming Andrew v Koh Tien Hua* [2022] 3 SLR 1417 at [62]).

168 Both of these reckless misrepresentations clearly satisfied the threshold of moral turpitude envisaged in the Dishonour Formulation at [91] above, being dishonest statements. The gravity of the respondent's dishonesty was heightened due to its breach of a lawyer's duty of candour to the court and the attempt to pervert the course of justice by making false representations of facts to Ramesh J, which were material to his determination of the Judicial Review Application. We find that the "grossly improper conduct" limb of offending in s 83(2)(b) of the LPA is also made out, with the effect that the convictions on the third and fourth charges are similarly affirmed. Thus, together with the

affirmations at [159] and [162] above, we find that all four of the Court Conduct Charges are proved beyond a reasonable doubt.

**Issue 4: Whether the convictions on the Social Media Charges should be affirmed**

***The DT's convictions***

169 The DT also convicted the respondent on all four of the Social Media Charges. The fifth charge concerned attacks on the impartiality and integrity of the Judiciary at [56(a)] above, based on the publications at [57] above. The sixth charge concerned attacks on the integrity of AGC at [56(b)] above, based on the publications at [58] above. The seventh charge on *sub judice* contempt at [56(c)] above is based on the publications at [59] above. The eighth charge for discourteous personal attacks upon fellow lawyers at [56(d)] above is based on the publications at [61]–[62] above.

170 All four charges had main and alternative versions. The main versions of the fifth, seventh, and eighth charges were framed *per* the “grossly improper conduct” limb in s 83(2)(b) of the LPA, while their alternative versions were framed under the “misconduct unbecoming” limb of s 83(2)(h). The main and alternative versions of the sixth charge were both framed under the “misconduct unbecoming” limb, with the only difference being that the references to rr 7 and 8 of the PCR found in the alternative version were omitted from the main version. This was not an ingredient of the offence. For the same reasons as at [79], [103] and [150] above, we do not concern ourselves with the alternative versions and we focus only on the four main charges of which the OA 12 DT convicted the respondent.

171 The DT’s analytical approach was to accept the pleaded meanings that the Society submitted based upon a reasonable interpretation of the impugned Instagram publications, finding that they satisfied the requirements of the Social Media Charges. In summation, for each of the four charges, the DT construed the respondent’s publications as follows:

- (a) for the fifth charge’s publications at [57] above, that the judiciary provided preferential treatment in adjudicating cases based, *inter alia*, on wealth and political party affiliations, and at the expense of impartially dispensing justice;
- (b) for the sixth charge’s publications at [58] above, that the AGC’s officers lacked integrity in the discharge of their responsibilities by, *inter alia*, serving corporate interests, persecuting innocent people or critics of the government, or sought to mistreat and abuse accused persons based on their race or socio-economic status;
- (c) for the seventh charge’s publications at [59] above, that the AGC had taken out the Costs Orders Applications to intimidate the respondent and other defence counsel more generally in order to deter them from defending death row inmates; and
- (d) for the personal attacks on lawyers in the eighth charge, that:
  - (i) Mr Francis Ng SC of the AGC (“Mr Ng”) had abused his powers to, *inter alia*, contrive contempt charges against Mr Ravi s/o Madasamy (“Mr Ravi”) out of vindictiveness or took out the Costs Orders Applications against the respondent for similarly improper reasons (see at [61] above).

(ii) Ms Tan Yanying of the AGC (“Ms Tan”) had breached her duties to send an innocent woman, Ms Parti Liyani, to prison, whilst being protected from professional accountability owing to her familial background (see at [61] above).

(iii) That the standing of the AGC had fallen into disrepute on account of Mr Lucien Wong SC and Hri Kumar Nair JCA (then-Mr Hri Kumar Nair SC of the AGC) serving political party interests in the AGC. Although these Instagram “stories” were made on or around 25 April 2022 (see at [62] above), that did not impact the respondent’s liability for the charge. While he did not hold a valid PC at the time, he remained subject to the disciplinary regime, as non-practising lawyers fall under the definition of a “regulated legal practitioner” *per* s 2(1) of the LPA.

172 Hence, the DT convicted the respondent beyond a reasonable doubt on all four Social Media Charges and, on the totality of all eight charges in OA 12, it held that cause of sufficient gravity had been made out under ss 83 r/w 93 of the LPA in the whole of the circumstances.

### ***The Society’s submissions***

173 The Society largely adopts the reasoning of the DT below, but it departs from the DT’s report in one material respect. The Society takes the position that the 25 April 2022 publication at [171(d)(iii)] above should be *excluded* from the eighth charge, since the respondent’s lack of a valid PC at the time would render him subject to the disciplinary procedure in s 82A of the LPA and not to s 85(3) of the LPA. As such, the institution of a complaint as *per* [66] above was not the right process to initiate a disciplinary proceeding with respect to the 25 April

2022 publication. Instead, as the respondent would have been a “non-practising solicitor” without a PC in force *per* s 82A(1) of the LPA, the correct procedure would have been to apply for the Chief Justice to appoint a disciplinary tribunal if a *prima facie* case is made out for an investigation under s 82A(6) of the LPA. The Society proposes that the exclusion of the 25 April 2022 publication from the eighth charge is the most sensible response to the procedural irregularity so as not to compromise the C3J’s ability to penalise the respondent for the overall gravity of the Social Media Charges, considered as a whole.

***Our decision: the Social Media Charges are satisfied beyond a reasonable doubt***

174 At the hearing of 11 September 2025, we gave the Society leave to withdraw the 25 April 2022 publication from the eighth charge in OA 12, on account of that procedural irregularity. This, however, does not mean the publication falls out of the picture altogether, as will be clear from our analysis at [204] below.

175 Turning to the remainder of the Social Media Charges, we agree with the Society that there is no basis to interfere with the DT’s approach below and we affirm their convictions on the Social Media Charges (with the exception of the “stories” published on or about 25 April 2022 at [62] above), for the reasons that follow.

176 The Society satisfied its burden of showing the Instagram publications were made. The best available evidence as to their contents – particularly those Instagram “stories” which were not saved as “highlights” – are the screenshots taken at the relevant time by the AGC and appended to its complaint under s 85(3) of the LPA dated 22 June 2022, along with a table of the approximate timings of the publications of each “post” and “story”. In the absence of any

indication to the contrary, the DT was right to accept this evidence as to the contents of the Instagram publications as credible. If the respondent wished to argue that the Instagram publications were not made by him or that their contents were not accurately reflected in the screenshots, the evidential burden would have been on him to adduce *some* credible evidence to that effect, for the reasons stated at [85]–[86] above (see *Joseph Chen* at [54]–[56]). The question, therefore, is whether those contents satisfy the ingredients of the four Social Media Charges. We agree with the DT below that they do.

177 Beginning with the fifth charge at [169] above, we accept the meanings that the Society, and by extension, the DT, attributed to the Instagram “stories” and “posts” reflected in that charge, situated in the full and proper context that surrounded the publications (reproduced, where relevant, at [57] above), from the view of the average reasonable person (see *Attorney-General v Wham Kwok Han Jolovan and another matter* [2020] 3 SLR 446 (“*Jolovan Wham*”) at [61]). Based on the totality of the publications at [57] above, looked at in their full context, we agree with the DT that it bore the reasonable meanings at [171(a)] above.

178 It is clear that these publications satisfied the legal criteria for contempt of court of the “scandalising the judiciary” variety (see s 3(1)(a) of the Administration of Justice (Protection) Act 2016 (2020 Rev Ed) (the “AJPA”); see also r 13(6)(a) of the PCR). Viewed from the perspective of the average reasonable person in the public (as defined in *Shadrake Alan v Attorney-General* [2011] 3 SLR 778 (“*Alan Shadrake*”) at [31]–[34]), there is a “real risk” of public confidence in the due administration of justice being undermined (see *Alan Shadrake* at [36]). In other words, upon an objective assessment of the publications, they pose a risk that public confidence in the administration of justice would be undermined (see *Jolovan Wham* at [78(c)]). That much is clear

from the contents of the publications at [57] above which impugned the integrity and impartiality of the judiciary without basis and were disseminated to the general public over a social media application. It is clear from the screenshots in the AGC’s complaint that publications made through the Instagram Account had a not insignificant reach in or about the material time (eg, “posts” received “likes” in the range of 61, 78, and 81), which is one of many relevant factors to consider in applying the “real risk” test (see *Jolovan Wham* at [64]).

179 We are further satisfied that the Instagram publications could not, on any reasonable view, be said to constitute “fair criticism” (see Explanation 1 to s 3 of the AJPA). Having regard to the factors in *Jolovan Wham* at [73] and the test in *Alan Shadrake* at [86], it is clear that the present facts crossed the line from fair criticism of the judiciary to contempt, having regard to the vituperative and gratuitously insulting tone adopted in the publications, the absence of proof to support any of the allegations made, and the numerous instances of such baseless attacks being repeated across multiple “posts” and “stories” from February 2022 to March 2022. For example, it certainly cannot be said to be “fair” to throw out the inflammatory suggestion that the State Courts ruled against the respondent in a legal action against Mr Chen Kok Siang Joseph (“Mr Chen”) merely due to Mr Chen’s alleged status as a “state agent” without any proof that Mr Chen was even such an agent to begin with or that that fact, even if true, played any role in the adjudicative outcome instead of the individual merits of their case.

180 Given the seriousness and quantity of the aspersions cast upon the courts by the respondent, we have no hesitation in finding that his conduct satisfied the moral turpitude required of the Dishonour Formulation at [91] above (see *Law Society of Singapore v Nalpon, Zero Geraldo Mario* [2022] 3 SLR 1386 at [55]). It follows that we affirm the conviction on the fifth charge.

181 We adopt the same approach to the remaining charges. For the sixth charge concerning allegations against the AGC at [56(b)] above, the contents of those publications, looked at in their relevant surrounding context (reproduced at [58] above), supported the reasonable meanings arrived at by the DT below and summarised at [171(b)] above.

182 Similar to the allegations in the fifth charge, these aspersions are harmful to the rule of law by impugning the integrity and impartiality of the AGC without basis, and they bore a real and substantial risk of undermining public faith and trust in an organ of state that plays a vital constitutional function as the guardian of the public interest and steward of the rule of law (see *Deepak Sharma v Law Society of Singapore* [2017] 2 SLR 672 at [35]). Such imputations are damaging to the proper functioning of the Singapore legal system and the fair vindication of the public interest through the courts. The attacks levelled by the respondent were plainly unsupported, discourteous, expressed in vulgar and demeaning language, and the alleged wrongdoing undermined an essential pillar of the legal system and the claims of biased and partial exercises of prosecutorial discretion pursuant to Art 35(8) of the Constitution of the Republic of Singapore (2020 Rev Ed) “cut[] right to the heart of the AG’s role and suggested serious impropriety and the dereliction of his duty in the fair administration of justice” [emphasis in original omitted] (see *Law Society of Singapore v Ravi s/o Madasamy* [2023] 4 SLR 1760 (“*M Ravi (2023)*”) at [85]).

183 It was irresponsible and disreputable for the respondent to make such serious and inflammatory allegations without basis, especially in the outrageous and extravagant tone he consistently adopted (eg, “black hearted individuals”, “wish to see poor malay or Indian men maltreated”, “dogs and biased civil servants”, etc), that went far beyond mere expressions of legitimate differences

of opinion over how prosecutorial discretion was exercised in individual cases, and strayed into discourteous personal attacks upon the AGC’s officers’ character. The “fair criticism” defence at [179] above has no direct application to these attacks upon the AGC. However, in assessing the disreputability of the attacks upon the AGC for the purpose of satisfying the Discredit Formulation at [159] above in the charge, it is pertinent to note that the accusations against the AGC were entirely unfounded and made without basis. None of them constituted fair-minded or even-handed criticism of the AGC’s exercise of its various powers.

184 On the facts, we find that such acts satisfy the Discredit Formulation at [159] above for the purposes of making out the “misconduct unbefitting” limb of offending, and we affirm the respondent’s conviction on the sixth charge. It bears mentioning that the respondent’s conduct also rose to the moral turpitude required to meet the Dishonour Formulation for the “grossly improper conduct” limb as well, being similar in character to the misconduct within the fifth charge, which was framed under that limb instead (see at [180] above). Indeed, there is a noticeable disparity between the framing of the other Social Media Charges under s 83(2)(b) of the LPA and the sixth charge concerning the AGC, which alone was framed under s 83(2)(h) for both their main and alternative versions. The gravamen of the respondent’s unfounded aspersions against the judiciary at [56(a)] above is similar, in our view, to that of his unfounded aspersions against the AGC at [56(b)] above.

185 As for the seventh charge at [56(c)] above, we agree with the meanings attributed to the publications at [59] above regarding the pending Costs Orders Applications at [171(c)] above. The respondent sought to impugn the AGC’s motives for those applications, stating they were taken out not for any legitimate

juridical reason but to intimidate him and other lawyers from representing death row inmates more broadly.

186 By alleging that those applications were unrelated to any personal misconduct on his part, the respondent *directly* pronounced upon a fact in issue in the Costs Orders Applications whilst they were still pending before Ramesh J and the Court of Appeal (see ss 356 and 409 of the CPC). The legal standard for *sub judice* contempt of court is satisfied (see s 3(1)(b) of the AJPA; see also r 13(6)(b) of the PCR), *viz*, that the publications posed a “real risk of prejudice to or interference with” those pending applications. In this case, the publications were “calculated to interfere” with the fair determination of those applications under r 13(6)(b) because they were geared towards marshalling the opinion of his followers against those applications through the imputation of malice behind their institution (*ie*, to intimidate him) and sought to prejudge an issue which was central to the applications’ determination in the court of public opinion (*ie*, if the respondent’s applications were “frivolous or vexatious or otherwise an abuse of the process of the relevant court” *per* s 409 of the CPC, among other things).

187 As his conduct was clearly calculated to interfere with the courts’ neutral and impartial determination of the merits of pending matters, such conduct undermining the administration of justice satisfies the Dishonour Formulation at [91] above, and we affirm the conviction on the seventh charge.

188 Finally, we consider the eighth charge, to the exclusion of the “stories” of 25 April 2022 at [171(d)(iii)] above. These were his discourteous personal attacks on two fellow members of the Singapore Bar, *viz*, Mr Ng and Ms Tan at [171(d)(i)]–[171(d)(ii)] above, in breach of the duty to treat other lawyers with “courtesy and fairness” in r 7(2) of the PCR and to not act towards them in a

manner contrary to his position as a member of an honourable profession in r 8(3)(b) of the PCR. We agree with the DT that these were made out beyond a reasonable doubt. The attacks on Mr Ng were serious and baseless, alleging that he was “fixing ... up” Mr Ravi for contempt of court (see *Attorney-General v Ravi s/o Madasamy and another matter* [2024] 5 SLR 852 at [1]–[21]) and that he was instituting the Costs Orders Applications for an improper motive, out of malice, or in service of party political interests (*viz*, to bankrupt the respondent in order to prevent him from standing for election). There was no evidence whatsoever to support his serious allegations of professional misconduct and abuse of power. To cast such severe and baseless aspersions on the integrity and professionalism of Mr Ng must be seen in the circumstances as discourteous and inconsistent with any notions of honour in the legal profession (see *M Ravi (2023)* at [91], [100], and [107]).

189 The same is true of the aspersions cast by the respondent on Ms Tan. He alleged serious professional misconduct on her part in relation to the prosecution of Ms Parti Liyani (see *Parti Liyani v Public Prosecutor* [2020] SGHC 187 at [87]–[96]). Ms Tan was categorically cleared of any wrongdoing by the tribunal in *The Law Society of Singapore v Tan Yanying and another* [2022] SGDT 6 at [66]–[80] and [84]. Despite this, the respondent continued to allege intentional wrongdoing on her part without evidence, using inflammatory and vitriolic phrases to vilify Ms Tan to his followers, while repeating allegations of professional misconduct for which she had already been exculpated in a concluded legal proceeding. Such acerbic language and his grave allegations of misconduct could hardly be described as courteous or fair under r 7(2) in any conceivable sense of these terms (see *M Ravi (2023)* at [91]), and the making of baseless attacks of professional impropriety on a fellow lawyer – particularly one who has been cleared with the benefit of due process – clearly brings the

legal profession into disrepute and is “inconsistent with such notions of honour” as that under r 8(3)(b) of the PCR (see *M Ravi (2023)* at [107]).

190 Hence, we similarly find that the personal attacks on Mr Ng and Ms Tan cross the requisite threshold of moral turpitude in the Dishonour Formulation at [91] above, and we affirm the DT’s convictions on the eighth main charge. We find the respondent guilty beyond a reasonable doubt on all four of the Social Media Charges. In the circumstances, we find that the totality of the character defects disclosed in the charges in OA 12 at [6(c)]–[6(d)] above meant that due cause of sufficient gravity was made out for the respondent to be made to suffer the sanctions under s 83(1) of the LPA. In fact, for the reasons at [201] and [203] below, we are of the view that the severity of the respondent’s overall offending in OA 12 warrants a striking-off order.

**Issue 5: What the appropriate sentence to be meted out to the respondent is considering the totality of his offending**

***The Society’s submissions***

191 Initially, the Society made submissions on sentencing on a stand-alone basis as regards each of the Applications. For the Workplace Injury OAs, the Society initially submitted for a sentence of five years’ suspension and a \$50,000 fine for OA 16, one year’s suspension for OA 6, and a striking-off order for OA 7. At the time of the DT proceedings involving the Workplace Injury Charges, the Society was represented by different sets of counsel for each OA. None of the counsel addressed the C3J in relation to a suitable *global* sentence.

192 At the hearing before us on 11 September 2025, the Society submitted that, adopting a holistic view of the respondent’s misconduct, the appropriate

sanction is a striking-off order. For both OA 12 and OA 14, the Society submits that, even on a stand-alone basis, a striking-off order is appropriate.

***Our decision: the respondent is hereby struck off the roll of advocates and solicitors***

193 We approach the sentencing exercise on a holistic basis, given that the gravity of the respondent’s offending and the extent to which they evidence his inability to discharge the professional obligations of a legal practitioner are best appreciated in the round.

194 We begin with the key sentencing considerations in disciplinary matters, as set out by the court in *Law Society of Singapore v Hanam, Andrew John* [2023] 4 SLR 1280 at [131] and *Law Society of Singapore v Ravi s/o Madasamy* [2016] 5 SLR 1141 at [31], bearing in mind (at [32]) that it is “the interest of the public that will be paramount and that must therefore prevail”:

- (a) protecting members of the public who are dependent on lawyers in the due administration of justice;
- (b) upholding public confidence in the integrity of the legal profession;
- (c) deterring similar defaults by the same legal practitioner or other like-minded legal practitioners; and
- (d) punishing the misconduct of an errant lawyer.

195 Where the misconduct at issue revealed a defect of character incompatible with membership in the legal profession *or* had caused grave dishonour to the standing of the legal profession, a striking-off order would be the presumptive penalty (see *Law Society of Singapore v Ezekiel Peter Latimer*

[2024] 4 SLR 427 at [53]). The burden would then be on the errant practitioner to demonstrate why that presumptive sanction should be departed from, in the circumstances, as an “exceptional” case (see *Joseph Chen* at [110]–[111]).

196 The Applications revealed numerous character defects which rendered the respondent plainly unfit to remain as a legal practitioner in Singapore. First of all, the SAR Charges evinced a pattern of professional dereliction and a cavalier disregard for the serious responsibility of holding clients’ moneys and taking due care to safeguard clients’ crucial interests in the proper protection of their funds. The SAR Charges were not a one-off lapse in judgment, and instead featured 185 instances wherein the SAR had been violated over an approximately one-year period. Moreover, this was not a situation where the respondent attempted, but failed, to properly implement the SAR. The defaults spanned the gamut across rr 3(1), 8(4), 8(5), 11(1), 11(2), 11(3), and 11(4) of the SAR, and clearly showed the respondent simply could not be bothered to ensure that Whitefield’s financial records were in order. The FKT Report revealed the sheer disarray of the Roberts Lane branch office’s accounting process, with crucial documents being unavailable, and with many of the financial details having to be worked out from scratch by FKT using the transactional information found in primary banking documents. FKT’s investigation also took place against the backdrop of the Society’s looking into the potential improprieties in Whitefield’s handling of client moneys of their migrant worker clients. FKT’s investigation into the true financial picture was unquestionably impeded by the poor state of Whitefield’s financial records.

197 The SAR exists as a prophylactic safeguard for the proper custodianship and application of client moneys and the maintenance of the integrity of firms’ financial records. The lack of any mechanism or effort whatsoever to ensure that the Roberts Lane branch office was operated in compliance with the SAR shows

the respondent’s apathetic disregard for, and lackadaisical attitude to, the spirit behind the SAR, namely, “to protect the public against any unauthorised use of money maintained by solicitors and to instil public confidence that the legal profession is effectively regulated and policed” (see *Law Society of Singapore v Chiong Chin May Selena* [2005] 4 SLR(R) 320 at [19]). That, in turn, shows his callous lack of care for his clients’ interests in the proper safekeeping of their moneys. The egregiousness of that carelessness is further underscored by the fact that the clients of Whitefield’s Roberts Lane office were migrant workers with limited resources and economic vulnerabilities that aggravate the severity of his misconduct (see *Joseph Chen* at [112]), as well as the harm caused to those who reposed their faith in him and his firm to hold their funds. A failure to accord weight to the responsibilities that arise from a client’s entrustment of moneys to a lawyer is a defect of character wholly incompatible with the status of a lawyer charged, *inter alia*, with ensuring client moneys are “handled and safeguarded by members of the legal profession” (see *Law Society of Singapore v Prem Singh* [1999] 3 SLR(R) 126 at [24]).

198 Secondly, the Workplace Injury Charges also show the respondent’s callous disregard for a lawyer’s role as an agent of his or her client, charged with the protection of their best interests in the legal matter at hand. The C3J has, in more than one case, emphasised the importance of communicating with a client *directly* to confirm their instructions or, alternatively, to ensure the third party purporting to relay their instructions has the authority to do so (see rr 5 & 39(2)(g) of the PCR; see also, *eg, Udeh Kumar (2013)* at [61]–[62] and [65] and *Mahidon Nichiar bte Mohd Ali and others v Dawood Sultan Kamaldin* [2015] 5 SLR 62 (“*Mahidon Nichiar*”) at [1], [143]–[149] and [157(b)]). It goes without saying that a lawyer’s capacity to be a legal *representative* of his or her

client's best interests in their case would be severely hampered, if not curtailed altogether, if he or she cannot even say what the client's *actual* instructions are.

199 The present case did not simply involve the respondent failing to take *adequate* steps to verify the Complainants' instructions or failing to *sufficiently* communicate with them directly – here, the respondent simply did *nothing* to ensure these were the Complainants' actual instructions in all the circumstances. He was more than willing to perform a panoply of actions, purportedly in their name and directly affecting their interests, inclusive of filing notices of change of solicitor, notices of discontinuance of legal actions, entering into settlements with insurers, receiving compensatory moneys, and even authorising disbursements of their moneys to a third party, all without knowing or having any reason at all to believe that the Complainants *actually* instructed him to do any of these actions. In the face of multiple red flags, such as the Complainants being referred by the same third party that large portions of the settlement funds were being released to, there is no excuse for the respondent to have taken no steps *at all* to verify their identities or their instructions beforehand.

200 His sheer disregard for the Complainants' interests was utterly appalling and it shows his repeated pattern of carelessly abdicating his role as an agent of the Complainants, whom he had *believed* to be his clients at the time. A lawyer's utter lack of care for his or her client's interests is certainly a character defect that renders them unfit for membership in the legal profession (see, *eg*, *Joseph Chen* at [153] and [157]), having willingly disabled himself from discharging such duties as that of following all lawful, proper, and reasonable instructions of the client and advancing their interests in their matter (see rr 5(2)(i)–(j) of the PCR). The fact that he did nothing to verify the Complainants' instructions *even in the face* of POAs with extreme terms which placed them at a disadvantage (see at [135] above; see also *Joseph Chen* at [100]) only reinforced his

consistent apathy for the interests of those whom he believed to be his clients, even where they were “ostensibly disadvantaged” and in a position of apparent vulnerability (see, by analogy, *Mahidon Nichiar* at [144], [148], and [157(c)]). Needless to say, the public – particularly, potential clients of a migrant worker background – would only be imperilled by allowing a person like the respondent to remain on the roll of advocates and solicitors.

201 Thirdly, the Court Conduct Charges demonstrated a particularly severe character defect – dishonesty. His blatant lie to Ramesh J that the grounds for the Judicial Review Application differed from the Criminal Review Application because the former was on “execution”, while the latter related to “conviction”, was wholly untrue – *both* related to sentencing – and the respondent knew that it was untrue, since he was the lawyer handling both applications, and the latter was dismissed by the Court of Appeal *the very day before* he lied to Ramesh J. In addition to that intentional dishonesty, he was, at the least, either recklessly or intentionally dishonest when he told Ramesh J that it was *undisputed* that one of the Prisoners had an IQ of 67 because psychiatrists from IMH had diagnosed him as such (when neither IMH psychiatrist had given that diagnosis) and that the SPS had a policy against the execution of “mentally retarded persons”. He had no basis to come to those conclusions. For the latter two lies, at a very minimum, he told them to Ramesh J “recklessly, not caring whether it was true or false” (see *M Ravi (2024)* at [50]), while for the first lie, the prevailing circumstances compel the inference that it was a *knowing* one.

202 Dishonesty to the court strikes at the core of a legal practitioner’s duty as an officer of the court with an overriding duty to assist in the administration of justice (see *Re Gabriel Silas Tang Rafferty* [2024] 4 SLR 401 at [2] and [39]). Dishonesty therefore attracts the presumptive penalty of a striking-off (see *Law Society of Singapore v Chia Choon Yang* [2018] 5 SLR 1068 at [39]), especially

dishonesty that – as here – “impinged upon the proper administration of justice”, for which “truly exceptional facts” would be needed to depart from a striking-off order as a penalty (see *Joseph Chen* at [110]).

203 Lastly, the respondent’s allegations and aspersions, ventilated over the public platform of Instagram, were highly dishonourable, and for them to have been made by a member of the legal profession unquestionably tended to shame and bring discredit to an honourable profession. He levelled repeated attacks on key pillars of the Singapore legal system – the Attorney-General (acting through his chambers) and the Judiciary – that are crucial to vindicating the rule of law. Instead of furthering the due administration of justice as a legal practitioner, he actively prejudiced the same by making baseless allegations in order to undermine trust and confidence in these bodies to the detriment of their ability to discharge their responsibilities. His attacks on legal institutions and individual lawyers were all filled with invective and gratuitously vituperative insults using vulgar language to humiliate and degrade the targets of his vitriol. There is no question that the average right-thinking member of the public would perceive such conduct to be disgraceful both to the respondent as an individual and, more significantly, to the legal profession – indeed, the very same profession whose imprimatur of legitimacy he wielded to clothe his attacks with a patina of authenticity and to masquerade as a knowledgeable “insider” unearthing hidden truths about the domestic legal system. Both the maintenance of public confidence in the legal profession and in the administration of justice warrant the sternest sanction in response to disreputable behaviour of such a highly publicised character.

204 Moreover, although we excluded the respondent’s Instagram publication of 25 April 2022, casting aspersions on Mr Lucien Wong SC (the Attorney-General) and Nair JCA (the then-Deputy Attorney-General) as having acted to

advance party political interests, from consideration in the last of the Social Media Charges on account of the respondent lacking a valid PC at the time (see at [9] above), those “stories”, while irrelevant to conviction, are relevant to our holistic sentencing analysis. Those personal attacks cannot be artificially divorced from the respondent’s wider social media campaign, which, from January 2022 to April 2022 (at the least), manifested as a wholesale and dragnet assault upon the courts and the AGC as lacking in integrity and impartiality, including attacks on individuals associated with such institutions. The precedents in the criminal context regarding when *uncharged* offending conduct may be considered to aggravate an offender’s culpability in *sentencing* are apposite (see *Public Prosecutor v GED and other appeals* [2023] 3 SLR 1221 at [83], applying *Cheang Geok Lin v Public Prosecutor* [2018] 4 SLR 548 at [27]–[31] and *Public Prosecutor v Bong Sim Swan Suzanna* [2020] 2 SLR 1001 at [65]–[66] and [73]). Here, given that the attacks on the Attorney-General and the then-Deputy Attorney-General formed an inseparable part of that broader social media assault, constituting a concerted campaign to vilify and demonise, *inter alia*, the AGC, the 25 April 2022 post both bore a clear nexus to the Social Media Charges *and* heightened the respondent’s culpability in proving the intensity and duration of that campaign.

205 The four character defects identified at [197], [199], and [202]–[203] above lead inexorably to the holding that the respondent is wholly unfit to remain a member of the legal profession and must be struck off the roll. There are no mitigating factors that militate to the contrary. The fact that the respondent had no antecedent offences was a neutral factor. The fine of \$10,000 at [10]–[11] above was not imposed *prior to* his offences in the Applications and therefore does not attract the factor of specific deterrence at [194(c)] above; however, it remains a relevant matter in appraising the respondent’s character

and its compatibility with the duties of a legal practitioner. The fact that the respondent committed a string of related offences, all in relation to his repeated failures to protect the interests of migrant worker clients of Whitefield, meant that he should not be treated as a first-time offender, because the only reason that he had no prior convictions was that he had not previously been caught, applying an analogous rule in the criminal context in *Chen Weixiong Jerriek v Public Prosecutor* [2003] 2 SLR(R) 334 at [17] (see *Public Prosecutor v Foo Li Ping and another matter* [2025] 4 SLR 1 at [87(e)] and *Toh Suat Leng Jennifer v Public Prosecutor* [2022] 5 SLR 1075 at [68]).

206 In addition, two offender-specific aggravating factors bear mentioning in militating against any departure from the presumptively appropriate sanction of striking off. First, there is the respondent's total absence of remorse and contrition for his misconduct. He has, to date, offered no apology to any of the victims of his acts nor done anything to repair the harm suffered by the Complainants. Having been given the opportunity to participate in the DT Proceedings, he declined to do so, even to offer any explanation for his many defaults and omissions that resulted in harm to the Complainants, among others. He has not taken accountability for his misconduct. Not only has he effectively boycotted the DT and C3J hearings, but his representations before the Inquiry Committees in relation to the Workplace Injury Charges are highly reflective of his attitude to his misconduct. In short, he believes he did nothing wrong because he was entitled to rely entirely upon Mr Ranjit (see, *eg*, at [133] and [142] above). His lack of any ethical insight into his own shortcomings to conduct even the most basic of checks to protect his clients' interests is apparently lost on him. In light of his attitude, there is little to no chance of the respondent being rehabilitated and rectifying any of the defects of character that we have identified.

207 Second, the respondent's conduct during the DT and C3J proceedings leaves much to be desired and further reveals his attitude towards his offending. He levelled multiple personal attacks and written abuse on opposing counsel for the Society and members of the respective DTs *via* the Instagram Account and his personal email account (see, *eg*, [67]–[70] and [75]). Through these attacks on the Society, the DTs, and the C3J – which we take judicial notice of, as facts clearly established by the contents of the Instagram Account and his emails that are beyond the subject of any reasonable dispute (see *Mookan Sadaiyakumar v Kim Hock Corp Pte Ltd and another appeal* [2020] 4 SLR 555 at [38], following *Zheng Yu Shan v Lian Beng Construction (1988) Pte Ltd* [2009] 2 SLR(R) 587 at [25] and [27]) – the respondent has doubled-down on his allegations of a massive political conspiracy against him, again refusing to take personal accountability for any of his lapses. This not only further underscores his lack of remorse and rehabilitative potential, but such behaviour is an aggravating factor in its own right, being further baseless attacks impugning the integrity and impartiality of vital adjudicative bodies in order to undermine the administration of justice in his case (see *Joseph Chen* at [138]). That only reinforces the defect of character we stated at [203] above regarding the respondent's disgraceful online conduct and his penchant for assaulting the integrity and impartiality of the justice system, disreputable behaviour which he shows no signs of ceasing to date.

208 Accordingly, this is a case where the respondent's misconduct shows serious defects of character incompatible with one's ability to discharge all the core duties of an advocate and solicitor. In all the circumstances, we agree with the DTs that the Applications disclose due cause of sufficient gravity under ss 93(1)(c) of the LPA and the LPA (Cap 161), and we render an order striking

him off the roll of advocates and solicitors of the Supreme Court *per* ss 83(1)(a) of the LPA and the LPA (Cap 161) (as the case may be).

**Conclusion**

209 For all of the foregoing reasons, we grant the Applications and hereby order that the respondent be struck off the roll of advocates and solicitors of the Supreme Court of Singapore. The Society has liberty to apply as regards any consequential matters, including the issue of costs.

210 We extend our appreciation to the Society's counsel for his able submissions and diligent assistance.

Sundaresh Menon  
Chief Justice

Tay Yong Kwang  
Justice of the Court of Appeal

Steven Chong  
Justice of the Court of Appeal

Ong Tun Wei Danny (Setia Law LLC) for the applicant;  
The respondent absent and unrepresented.

---