Re Michael Fordham QC
[2014] SGHC 223

Case Number : Originating Summons No 595 of 2014

Decision Date : 05 November 2014

Tribunal/Court : High Court

Coram : Steven Chong J

Counsel Name(s) : Abraham Vergis and Clive Myint Soe (Providence Law Asia LLC) for the applicant; Jeffrey Chan Wah Teck SC and Terence Tan (Attorney-General's Chambers) for the Attorney-General; Christopher Anand Daniel, Harjean Kaur and Aw Sze Min (Advocatus Law LLP) for the Law Society of Singapore.

Parties : Re Michael Fordham QC

Legal Profession – Admission – Ad hoc

5 November 2014 Judgment reserved.

Steven Chong J:

Introduction

1 This is an application by Mr Michael Fordham QC ("the Applicant") for *ad hoc* admission under s 15 of the Legal Profession Act (Cap 161, 2009 Rev Ed) ("LPA"). The Applicant seeks admission to represent Mr Deepak Sharma ("Mr Sharma") in the latter's application for judicial review against the decision of a Review Committee ("RC") constituted under s 85(6) of the LPA in respect of his complaint to the Law Society of Singapore against two solicitors, namely, Mr Alvin Yeo SC ("Mr Yeo SC") and Ms Melanie Ho ("Ms Ho"). The RC had wholly dismissed Mr Sharma's complaint against Mr Yeo SC and partially dismissed it against Ms Ho. By way of background, Mr Sharma's complaint arose in connection with several costs orders made against his wife, Dr Susan Lim ("Dr Lim"), following the dismissal of various applications and appeals brought by Dr Lim against the Singapore Medical Council ("SMC") in the course of earlier disciplinary proceedings.

2 The entire saga concerning the disciplinary proceedings against Dr Lim has already gone through two rounds of hearings before the Disciplinary Committee of the SMC, which found her guilty of professional misconduct for overcharging. Dr Lim was suspended from medical practice for three years, censured and fined $10,000. She appealed to the High Court but this was eventually dismissed. In the present application, the events which occurred *prior* to Dr Lim's aforementioned appeal are material. It is pertinent to note that Dr Lim had challenged certain procedural decisions of the SMC by initiating two applications in the High Court, one of which was subsequently withdrawn while the other made its way to the Court of Appeal. The Court of Appeal ultimately dismissed Dr Lim's appeal in respect of the latter application with costs ordered against her. When no agreement could be reached on the costs ordered against Dr Lim, the SMC's lawyers, Wong Partnership LLP ("Wong P") filed their bills of costs for taxation in the High Court and, upon taxation, the costs were significantly reduced. In an ironic twist of events, the saga continues with Dr Lim's husband, Mr Sharma, lodging a complaint against the SMC's lawyers for gross overcharging as evidenced by the significant reduction of costs on taxation, the very same act of professional misconduct which led to his wife's suspension.

3 Apart from the intense publicity generated by the entire episode, there are several unusual

features in this application as well as in the underlying application for judicial review.

4 First, this is not a typical judicial review filed by a party directly aggrieved by an administrative body's decision. The complaint was filed not by Dr Lim, but by her husband instead. No explanation was forthcoming as to why the complaint was not filed by the party who is liable to pay the costs to the SMC, *ie*, Dr Lim. Mr Sharma purported to demonstrate his interest in the complaint by stating that he was the "*co-funder*" of Dr Lim's legal fees and that he owed it to his "*conscience to make this complaint*". However, during the hearing before me, he adopted the position that the complaint can be filed by anyone without having to establish any standing. Such an unusual application not unexpectedly raises interesting issues on Mr Sharma's *locus standi* which I will address below.

5 Second, the *ad hoc* admission application is also unusual in one very unique fact. The Applicant in his statement in support of his application asserted that he should be admitted "[n]otwithstanding that I do not satisfy all the requirements under s 15" of the LPA. I note that this is the first application for *ad hoc* admission where the Applicant himself accepted that the requirements under s 15 are not satisfied. However, the Applicant purported to correct his statement by subsequently filing a corrective affidavit (a) without leave of court, (b) without explaining why he had earlier stated that he did not satisfy the requirements under s 15, and (c) what caused him to reverse his position.

6 I will return to discuss these peculiarities in due course. At this juncture, however, it is perhaps appropriate to elaborate on the relevant background facts in greater detail.

Background facts

7 On 23 January 2014, Mr Sharma made a complaint to the Law Society under s 85(1) of the LPA against Mr Yeo SC and Ms Ho of Wong P. [note: 1] In essence, the complaint alleged that Mr Yeo SC and Ms Ho were guilty of professional misconduct in seeking grossly excessive party-and-party costs against Dr Lim in Originating Summons No 1131 of 2010 ("OS 1131/2010"), Originating Summons No 1252 of 2010 ("OS 1252/2010") and Civil Appeal No 80 of 2011 ("CA 80/2011"). [note: 2] OS 1131/2010, OS 1252/2010 and CA 80/2011 were all filed in the course of a separate set of proceedings between Dr Lim and the SMC, which had been represented by Wong P throughout. Those proceedings were set in motion by a complaint of overcharging against Dr Lim in late 2007 and culminated only in June 2013 with the High Court's decision in *Lim Mey Lee Susan v Singapore Medical Council* [2013] 3 SLR 900 ("*Susan Lim*"), which upheld the decision of a Disciplinary Committee appointed by the SMC to convict Dr Lim on 94 charges of professional misconduct. The procedural history leading up to the decision in *Susan Lim* is set out in detail at [3]–[23] of the judgment. For present purposes, it is only necessary to highlight the following facts to place Mr Sharma's complaint in its proper context.

The proceedings between the SMC and Dr Lim

8 On 3 December 2007, an official of the Ministry of Health, Singapore ("MOHS") lodged a complaint against Dr Lim with the SMC (*Susan Lim* at [11]). This complaint expressed MOHS's concern over the sums invoiced by Dr Lim for the treatment of one of her patients and concluded that MOHS was referring the matter to the SMC for a thorough investigation. The complaint was laid before a Complaints Committee which, after having invited and reviewed Dr Lim's written explanation, made an order on 17 November 2008 that a formal inquiry be held by a Disciplinary Committee (*Susan Lim* at [12]). A Disciplinary Committee ("the First DC") was duly appointed to inquire into MOHS's complaint.

9 On 20 July 2009, the First DC issued a notice of inquiry to Dr Lim containing 94 charges of professional misconduct under s 45(1)(*d*) of the Medical Registration Act (Cap 174, 2004 Rev Ed)

(*Susan Lim* at [14]). The hearing before the First DC commenced on 28 January 2010 and, at the close of the Prosecution's case, counsel for Dr Lim made a submission of no case to answer. A three-day hearing commencing on 29 July 2010 was fixed for oral submissions but, as it turned out, the First DC recused itself after an application was made by Dr Lim's counsel on the basis that the First DC had prejudged the matter (*Susan Lim* at [14]).

10 Subsequently, the SMC proceeded to appoint a fresh Disciplinary Committee ("the Second DC") on 14 September 2010 (*Susan Lim* at [15]). This prompted Dr Lim to file OS 1131/2010 and OS 1252/2010 on 1 November 2010 and 17 December 2010 respectively. [note: 3]

11 OS 1131/2010 was an application that the SMC had no right to use the patient's confidential medical records in disciplinary proceedings against Dr Lim without the consent of the patient's next-of-kin. However, it was later withdrawn on 21 February 2011 after the SMC produced a letter from the patient's next-of-kin which permitted the use of her medical records. [note: 4] OS 1252/2010 was a judicial review application for a quashing order against the SMC's decision to appoint the Second DC. This application was heard before Philip Pillai J, who granted leave for judicial review (see *Lim Mey Lee Susan v Singapore Medical Council* [2011] SGHC 131) but eventually dismissed the application for a quashing order on 26 May 2011 (see *Lim Mey Lee Susan v Singapore Medical Council* [2011] 4 SLR 156).

12 CA 80/2011 was Dr Lim's appeal against Pillai J's decision. It was dismissed by the Court of Appeal on 30 November 2011 with costs ordered against her (see *Lim Mey Lee Susan v Singapore Medical Council* [2012] 1 SLR 701).

The claim for costs against Dr Lim

13 In a letter dated 12 March 2012, the SMC's solicitors (*ie*, Wong P) sought to recover party-and-party costs against Dr Lim in respect of OS 1131/2010, OS 1252/2010 and CA 80/2011. [note: 5] The sums claimed were disputed and Dr Lim's solicitors offered a counter-proposal in their reply to Wong P on 8 June 2012. [note: 6] Wong P did not agree to this counter-proposal and thus proceeded to draw up three bills of costs for taxation in respect of OS 1131/2010, OS 1252/2010 and CA 80/2011 which totalled $1,007,009.37. [note: 7] At the taxation hearing on 25 June 2013, the Assistant Registrar taxed off approximately two-thirds of the total sum claimed in the three bills, allowing the recovery of only $340,000. [note: 8]

14 Dissatisfied with the outcome, Wong P applied for a review of the taxation which was heard by Woo Bih Li J on 12 August 2013. Prior to the review hearing, Wong P, on their own accord, reduced the total quantum of costs sought to $720,000, which was $287,009.37 less than the total sum of $1,007,009.37 claimed under the original bills. [note: 9] The explanation given by Wong P for this unilateral deduction at the review hearing was that its earlier bills had not taken into account an "overlap" in work done between members of the same team handling the SMC's matter. In any event, Woo J did not deviate far from the Assistant Registrar's earlier order, allowing Wong P to claim only a marginally higher sum of $370,000. [note: 10]

Mr Sharma's complaint to the Law Society

15 As stated earlier, Mr Sharma's complaint against Mr Yeo SC and Ms Ho was made to the Law Society on 23 January 2014. It was accompanied by the written opinion of a Queen's Counsel, Mr Ian Winter QC ("Mr Winter QC"), dated 8 December 2013. Mr Sharma stated that, prior to approaching Mr

Winter QC for his opinion, he had contacted several local Senior Counsel ("SCs") to act for him in respect of his complaint. [note: 11] However, these SCs and/or their law firms declined to act for him. He had therefore "no choice" but to obtain the advice of a Queen's Counsel in deciding whether to proceed with his complaint. [note: 12]

16 In his written opinion, Mr Winter QC concluded that there was "due cause" to believe that Mr Yeo SC and Ms Ho were *prima facie* guilty of professional misconduct because of the grossly excessive fees which they had claimed. [note: 13] Interestingly, Mr Winter QC's opinion also stated, in the context of setting out the factual background to the complaint, that Mr Sharma was a third party "co-funder" of the proceedings between his wife and the SMC. [note: 14] I pause here to make the observation that this statement gave the impression that it was intended to address possible concerns over Mr Sharma's ostensible lack of interest or standing to make the complaint because he was neither a party to the proceedings between his wife and the SMC, nor the party liable to pay the costs. In other words, the statement appeared to be a tacit acknowledgement by Mr Sharma – who must have conveyed his involvement as a co-funder to Mr Winter QC – that he had to establish some form of interest, and in this case pecuniary, in the conduct complained of so as to make the complaint.

17 The RC was duly constituted under s 85(6) of the LPA to review the complaint and its decision was conveyed to Mr Sharma by way of a letter dated 10 April 2014. [note: 15] In this letter, the RC began by noting that Mr Sharma's complaint against Mr Yeo SC and Ms Ho could be understood as comprising two independent limbs as follows: [note: 16]

(a) first, that the sums claimed by Mr Yeo SC and Ms Ho were exorbitant and demonstrative of a persistent conduct of gross overcharging as well as improper and/or fraudulent conduct that was opportunistic, arbitrary, unconscionable and unjustified ("Limb 1"); and

(b) second, that the sums claimed by Mr Yeo SC and Ms Ho were probably in excess of what was billed to, or could have been billed to the SMC and that this amounted to misconduct ("Limb 2").

18 The RC's letter then went on to disclose its findings. Limb 1 of the complaint was completely dismissed against both Mr Yeo SC and Ms Ho. In this connection, the RC stated that the mere fact that the bills of costs rendered had been taxed down significantly did not *per se* constitute professional misconduct "in the absence of other impropriety". [note: 17] Further, the RC also rejected a specific allegation by Mr Sharma that the effective hourly rate claimed by Mr Yeo SC and Ms Ho was excessive. This was because, in the RC's view, the sums claimed in the bills of costs reflected the work of "all the solicitors involved". [note: 18] As for Limb 2 of the complaint, it was only partially dismissed. The RC found that Mr Yeo SC was "not involved with the preparation of the Bills of Costs and the proceedings related thereto"; hence this head of complaint against him was "lacking in substance". [note: 19] However, in so far as Ms Ho was concerned, the RC referred Limb 2 of the complaint against her for further inquiry by an Inquiry Committee under s 85(8)(*b*) of the LPA. [note: 20]

Mr Sharma's application for judicial review

19 After the RC had conveyed its decision, Mr Sharma considered whether to apply for a quashing order against it. [note: 21] He approached several local SCs to assist him in this connection but

experienced the same outcome as when he first sought legal assistance in respect of his earlier complaint to the Law Society – all the SCs who had been approached and/or their law firms declined to act for him or provide him with a formal opinion. Therefore, Mr Sharma stated that he was again left with "no choice" but to approach a Queen's Counsel who, on this occasion, turned out to be the Applicant. [note: 22]

20 The Applicant rendered Mr Sharma a written opinion dated 19 June 2014. [note: 23] It should be pointed out here that the contents of this opinion are of some significance because it sets out the Applicant's views on the relevant grounds for quashing the RC's decision and thereby provides an insight into the *issues* which he no doubt anticipated would arise if such a challenge was eventually brought. This certainly had an important bearing on the present application, which will become clearer below. I further note that, much like Mr Winter QC's opinion before, the Applicant also sought to convey that Mr Sharma had participated financially in his wife's proceedings *vis-à-vis* the SMC by stating that Mr Sharma was "ultimately responsible" for paying Wong P's costs. [note: 24] However, this statement is clearly inaccurate in so far as it suggests that Mr Sharma was in fact the party *liable* to pay costs to the SMC. Certainly at no point was Mr Sharma made the subject of the relevant costs orders. Nevertheless, this statement reinforced the impression that, in Mr Sharma's own view, *locus standi* had to be shown in order to make a complaint to the Law Society.

21 On 26 June 2014, Mr Sharma proceeded to file Originating Summons No 593 of 2014 ("OS 593/2014"). This was an application for leave to commence judicial review proceedings against the RC's decision to wholly dismiss his complaint against Mr Yeo SC and to partially dismiss his complaint against Ms Ho. Notably, the statement which accompanied this leave application broadly recited the same grounds for judicial review which the Applicant had framed in his earlier opinion. [note: 25] Indeed, this is confirmed by Mr Sharma, who states in an affidavit filed in this application that "[m]y grounds for judicial review are in line with Mr Fordham Q.C.'s Analysis". [note: 26]

The present application for ad hoc admission

22 On the same day, the present application was also filed for the Applicant to be admitted to practise as an advocate and solicitor on an *ad hoc* basis. Such admission was sought for the purpose of representing Mr Sharma (a) at the hearing of his application for leave to apply for a quashing order (*ie*, OS 593/2014) and, if such leave is granted, (b) at the substantive hearing for the quashing order, and (c) at any appeals or other further or related proceedings thereto.

Mr Sharma's standing to complain to the Law Society

23 Before embarking on the analysis of whether the Applicant satisfies the requirements in s 15 of the LPA, I wish to first deal with the rather peculiar circumstances under which the complaint to the Law Society was made (see [4] above).

24 The question whether a complainant is required to establish standing when making a complaint against an advocate and solicitor has hitherto not been considered in our courts. This is perhaps not entirely remarkable because to my knowledge, there has never been a complaint filed by a "*stranger*" or more aptly a "*non-party*" to the underlying proceedings such as Mr Sharma. In this limited sense, it is unprecedented.

25 The standing of Mr Sharma to seek leave to apply for judicial review against the decision of the RC is undoubtedly an issue for determination at the leave application. However, when I examined both Mr Sharma's complaint to the Law Society as well as the application before me, my impression was

that Mr Sharma recognises that he has to establish his requisite standing to do so. His purported standing was that he was the "co-funder" of his wife's legal fees in her applications and appeals against the procedural decisions of the SMC. However, no further information or basis was provided by Mr Sharma to establish that he was indeed the co-funder. This curious omission should be examined in the context that Dr Lim is herself a person of very substantial means and no explanation has been provided as to why she needed co-funding and that she was in fact co-funded by Mr Sharma. Further, it is also pertinent to point out that even if Mr Sharma was the co-funder, which is capable of proof, the costs orders were nonetheless made against Dr Lim. Mr Sharma is therefore not liable to the SMC to pay the costs irrespective of his private arrangement, if any, either with his wife or her lawyers. It may be relevant and necessary to examine the standing issue from this perspective. Otherwise, it may result in a seemingly anomalous situation where Mr Sharma is able to lodge a complaint against the lawyers about the fees claimed by the SMC while the lawyers acting on behalf of the SMC are unable to pursue the costs orders against Mr Sharma.

26 With these reservations in mind, I invited the parties to attend before me for directions on the legal issues which I required assistance. At this hearing, I directed all parties to specifically address me on the *locus standi* issue given the unique nature and circumstances of the leave application and the underlying complaint. I informed the parties that *locus standi* is a relevant consideration for the purposes of the *ad hoc* admission application only if I am able to come to a definite landing that Mr Sharma *clearly* has no standing to proceed with the leave application, *ie*, that the leave application is a non-starter. In that limited event, it would serve no purpose to admit the Applicant to argue the underlying leave application.

27 It may be useful to first set out the various positions adopted by the parties on the standing issue and how some of their initial positions changed in the course of the proceedings:

(a) The RC implicitly acknowledged the requirement to demonstrate standing when it noted in its decision of 10 April 2014 that "whilst you [*ie*, Mr Sharma] were neither a client nor a party to the proceedings against Dr Susan Lim, you were funding the legal expenses and the information furnished by you were legitimately the subject matter of a complaint". [note: 27]

(b) Counsel for the Applicant, Mr Abraham Vergis ("Mr Vergis"), initially intimated to me at the directions hearing that Mr Sharma is indeed required to demonstrate standing. However, upon further reflection, Mr Vergis adopted a different position at the hearing for oral submissions. He argued forcefully that there is no requirement for a complainant to demonstrate standing.

(c) The Attorney-General maintained a consistent position throughout that standing is necessary and that Mr Sharma does not satisfy the requirement.

(d) The Law Society's position is somewhat interesting. Initially, it adopted the position that there is no strict requirement to demonstrate any particular standing and that *any person* could lodge a complaint against an advocate and solicitor. However, in the course of his oral submissions, probably recognising the potential floodgate of frivolous complaints, counsel for the Law Society, Mr Christopher Anand Daniel ("Mr Daniel"), sought to hedge his position on *locus standi* by proposing a hybrid position. He submitted that in respect of complaints where there is a victim, only the victim should be able to file the complaint. In respect of alleged professional misconduct where there is no direct victim, the complaint against such conduct can be lodged by *any person*. In this case, Mr Daniel's tentative submission is that since there is a "victim", only that "victim", *ie*, Dr Lim, could lodge the complaint regarding the costs claimed against her.

28 Having heard detailed submissions from all parties on the *locus standi* issue, I have arrived at

the view that it is neither plain nor obvious at this stage whether Mr Sharma is required to demonstrate his standing and, if so, whether he has the standing to lodge the complaint or to file the leave application. Parties, in particular, the Law Society, are still in the process of settling their respective positions on the standing issue. This is understandable from the Law Society's perspective given the wide-reaching implications on the legal profession. As I am strictly not required to decide this issue definitively in the context of the *ad hoc* admission application, it is preferable and more appropriate for the issue to be fully explored and determined at the hearing of the leave application. For the immediate purpose of this application, I am satisfied that the standing issue should *not* stand in the way of my consideration of its merits. Nonetheless, I will make some preliminary observations on the submissions made by the parties.

29 The starting reference should be the statutory regime under the LPA. Section 85 of the LPA provides, *inter alia*, as follows:

> **Complaints against advocates and solicitors**
>
> **85.**—(1) *Any complaint* of the conduct of an advocate and solicitor —
>
> (*a*) shall be made to the Society in writing;
>
> (*b*) shall include a statement by the complainant —
>
> (i) as to whether, to his knowledge, any other complaint has been made to the Society against the advocate and solicitor, by him or by any other person, which arises from the same facts as his complaint; and
>
> (ii) if so, setting out such particulars of each such complaint as the Council may require and he is able to provide; and
>
> (*c*) shall be supported by such statutory declaration as the Council may require, except that no statutory declaration shall be required if the complaint is made by any public officer or any officer of the Institute.
>
> (1A) Subject to subsection (4A), the Council [*ie*, the Council of the Law Society] shall refer every complaint which satisfies the requirements of subsection (1) to the Chairman of the Inquiry Panel.
>
> (2) *The Council* may on its own motion refer any information touching upon the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel.
>
> (3) *Any Judge of the Supreme Court*, *the Attorney-General* or *the Institute* [*ie*, the Singapore Institute of Legal Education] may at any time refer to the Society any information touching upon the conduct of an advocate and solicitor and the Council shall —
>
> (*a*) refer the matter to the Chairman of the Inquiry Panel …
>
> [emphasis added]

30 What s 85(1) of the LPA makes clear is the *manner* in which a complaint should be made to the Law Society – the complaint must be in writing, accompanied by a statement as to whether there are any other complaints arising from the same facts against the same lawyer, and supported by a statutory declaration. What is not entirely clear, however, is *who* can make such complaint.

31 The question posed above may be answered in one of two possible ways. On one view, any member of the public can make a complaint regardless of his interest in or connection to the conduct of the allegedly errant lawyer. This appears to be supported by the wording of s 85(1) of the LPA, given its use of the rather open-ended term "[a]ny complaint" to invite complaints by any person and that, under s 85(1A), the Council of the Law Society is required to refer "every complaint" to the Chairman of the Inquiry Panel so long as the requirements under s 85(1) are satisfied. The second and more circumscribed view, however, is that only those persons who are able to demonstrate sufficient interest in making a complaint can properly do so because, otherwise, the Law Society may become inundated with frivolous complaints by persons with no interest other than being busybodies. From a policy standpoint, such a scenario may appear undesirable since it causes the limited resources of the Law Society to be unduly stretched which, in turn, may delay the prosecution of more meritorious complaints.

32 Mr Vergis squarely addressed the floodgates concern by inviting the court to examine the checks and balances inherent in the existing statutory regime under the LPA. First, he identified the need to file a statutory declaration to accompany the complaint under s 85(1)(*c*). This requirement was introduced in 2008 pursuant to the Legal Profession (Amendment) Act 2008 (Act 19 of 2008) with a view to emphasise the seriousness of complaints against lawyers and that complainants should take steps to ensure the accuracy of their complaints. Second, the RC itself functions as a filter. Third, the Inquiry Committee is empowered under s 85(18) to order the complainant to deposit a sum not exceeding $1,000. Fourth, the Inquiry Committee can order the complainant to pay costs under s 85(19)(*a*) if the complaint is found to be frivolous or vexatious. Finally, a party making a knowingly false complaint shall be guilty of an offence under s 85(21) and be liable to a fine not exceeding $5,000. These provisions do provide some measure of restraint against frivolous complaints. However, given the limited impact of these measures, they may not effectively operate as a sufficient safeguard against complaints filed by persons who are either not directly aggrieved by the alleged professional misconduct of the lawyer or who do not otherwise satisfy the requisite standing. It may be apposite to bear in mind the remarks of the Minister for Law that the sufficiency of the existing checks and balances identified by Mr Vergis "should be considered against the impact of disciplinary proceedings on the lawyer's reputation and livelihood" (see *Singapore Parliamentary Debates, Official Report* (26 August 2008) vol 84 at cols 3240–3242 (K Shanmugam, Minister for Law)). Though his remarks were made when introducing the amendment to require the filing of a statutory declaration to accompany a complaint against a lawyer, they are, in my view, equally apt for present purposes.

33 Further, I observe that if Mr Vergis is right that any person could file a complaint under s 85(1), why then is there any need for sub-ss 85(2) and (3), which empower specific public institutions and office-holders to refer information touching upon the conduct of an advocate and solicitor to the Law Society? Such public institutions and office-holders have an inherent interest in making such referrals when the occasion arises. Seen in this light, it would appear odd if s 85(1) is then regarded as conferring *carte blanche* on any person to make a complaint even though he may have no direct interest in doing so. In other words, the juxtaposition of s 85(1) with sub-ss (2) and (3) tends towards the conclusion that it was unlikely that s 85(1) was intended to be of such an unqualified nature. Mr Vergis explained that sub-ss 85(2) and (3) speak of "any information" to the Law Society while s 85(1) refers to "[a]ny complaint". It is not entirely clear to me whether the difference lies in form rather than substance since both would oblige the Law Society to look into them.

34 For the reasons that follow, I am able to decide on the merits of this application without having to reach a landing on the *locus standi* issue, however interesting and challenging it may be. Having said that, as I will elaborate at [57] and [84] below, it is ultimately a question of statutory interpretation of the *local* scheme for the filing and processing of complaints under the LPA.

The analytical framework for *ad hoc* admissions

The present statutory framework

35 The present statutory framework for *ad hoc* admissions is a result of the recent round of amendments to the LPA by the Legal Profession (Amendment) Act 2012 (Act 3 of 2012) ("the 2012 Amendment") that took effect from 1 April 2012. This framework comprises ss 15(1), 15(2) and 15(6A) of the LPA, which are reproduced here for ease of reference:

> **Ad hoc admissions**
>
> **15.**—(1) Notwithstanding anything to the contrary in this Act, the court may, for the purpose of any one case, admit to practise as an advocate and solicitor any person who —
>
> (*a*) holds —
>
> (i) Her Majesty's Patent as Queen's Counsel; or
>
> (ii) any appointment of equivalent distinction of any jurisdiction;
>
> (*b*) does not ordinarily reside in Singapore or Malaysia, but has come or intends to come to Singapore for the purpose of appearing in the case; and
>
> (*c*) has special qualifications or experience for the purpose of the case.
>
> (2) The court shall not admit a person under this section in any case involving any area of legal practice prescribed under section 10 for the purposes of this subsection, unless the court is satisfied that there is a special reason to do so.
>
> …
>
> (6A) The Chief Justice may, after consulting the Judges of the Supreme Court, by notification published in the *Gazette*, specify the matters that the court may consider when deciding whether to admit a person under this section.
>
> …

36 These provisions in the LPA must be read together with two further pieces of subsidiary legislation to complete the picture on our current statutory scheme for *ad hoc* admissions. The first is the Legal Profession (Admission) Rules 2011 (S 244/2011) ("the Admission Rules"), which lists out the areas of legal practice referred to in s 15(2) of the LPA above. As provided in r 32(1) of the Admission Rules, there are three such "ring-fenced" areas of legal practice – constitutional and administrative law, criminal law, and family law – in respect of which a "special reason" must be shown to exist. The second piece of subsidiary legislation is the Legal Profession (Ad Hoc Admissions) Notification 2012 (S 132/2012) ("the Notification"), which was issued by Chan Sek Keong CJ pursuant to s 15(6A) of the LPA. Paragraph 3 of the Notification sets out the following matters which the court may consider for the purpose of deciding whether to admit a foreign senior counsel in a particular case – (a) the nature of the factual and legal issues involved in the case; (b) the necessity for the services of a foreign senior counsel; (c) the availability of any local SC or other advocate and solicitor with appropriate experience; and (d) whether, having regard to the circumstances of the case, it is reasonable to admit a foreign senior counsel for the purpose of the case.

37 Since the current statutory framework for *ad hoc* admissions came into effect, there have been five reported cases which are, in chronological order, as follows: *Re Andrews Geraldine Mary QC* [2013] 1 SLR 872 ("*Re Geraldine Andrews*"), *Re Caplan Jonathan Michael QC* [2013] 3 SLR 66 ("*Re Caplan*"), *Re Lord Goldsmith Peter Henry PC QC* [2013] 4 SLR 921 ("*Re Lord Goldsmith*"), *Re Beloff Michael Jacob QC* [2013] 4 SLR 849 ("*Re Beloff (HC)*") and *Re Beloff Michael Jacob QC* [2014] 3 SLR 424 ("*Re Beloff (CA)*"). The first four cases in this quintet were decisions of the High Court while the fifth was handed down by the Court of Appeal. These cases have been highlighted right at the outset here because, collectively, they contain much useful discussion on the applicable principles for *ad hoc* admissions under the current statutory framework, thus regular references will be made to them in the course of this judgment. The most recent decision of *Re Beloff (CA)*, in particular, will be turned to shortly as it has helpfully set out the appropriate analytical framework for approaching *ad hoc* admission applications. Before proceeding to do so, however, I digress briefly to outline how the current statutory regime for *ad hoc* admissions in s 15 of the LPA has evolved from its immediate predecessor, which was contained in s 21 of the Legal Profession Act (Cap 161, 1990 Rev Ed) ("the 1990 Act") and retained in its successor versions until 1 April 2012 (see *Re Geraldine Andrews* at [28]). The purpose of this exercise is to illustrate how the current statutory framework has fundamentally shifted the analytical focus from that which prevailed under the 1990 Act and, as a consequence, cases which were decided under the latter statutory regime should be approached with a degree of caution in today's context.

The relevance of earlier cases

38 *Re Geraldine Andrews* was the first case to be decided under the current statutory framework and, fittingly, V K Rajah JA took the opportunity (at [21]–[28]) to chart how the statutory regime for *ad hoc* admissions in Singapore had evolved over the last half a century since its inception in 1962 as s 7A of the Advocates and Solicitors Ordinance (Cap 188, 1955 Rev Ed). I do not intend to repeat the detailed excursus undertaken by Rajah JA here. For present purposes, it suffices to note that the position before the 2012 Amendment was a result of the Legal Profession (Amendment) Act 1991 (Act 10 of 1991) ("the 1991 Amendment").

39 Prior to the 1991 Amendment, there was a "fairly relaxed approach which saw most [*ad hoc* admission] applications succeeding" (see *Re Beloff (HC)* at [14]) because the primary consideration at the time was simply whether the foreign senior counsel had special qualifications or experience for the purpose of the case. It was common practice for parties then not to object to such applications; hence the court was seldom required to exercise its discretion against admission (see *Re Geraldine Andrews* at [34], citing *Re Oliver David Keightley Rideal QC* [1992] 1 SLR(R) 961 at [8]). It is therefore unsurprising that the statutory regime prior to the 1991 Amendment did not generate much case law. Indeed, as Rajah JA had noted in *Re Geraldine Andrews* at [34], over the span of 20 years from 1970 to 1990, there was only one reported decision on the *ad hoc* admission of foreign senior counsel which, in any event, was conspicuously brief on its discussion of the statutory framework existing then.

40 The 1991 Amendment, however, brought about a sweeping change. It caused the law to be "moved to an extremely restricted approach" (see *Re Beloff (HC)* at [14]) and this gradually saw a considerable body of jurisprudence being built up on the subject. These cases had to interpret s 21 of the 1990 Act which, as has been mentioned, was the direct precursor to the current statutory framework in s 15 of the LPA. Section 21 of the 1990 Act read as follows:

> **21.**—(1) Notwithstanding anything to the contrary in this Act, the court may, for the purpose of any one case *where the court is satisfied that it is of sufficient difficulty and complexity* and having regard to the circumstances of the case, admit to practise as an advocate and solicitor

any person who —

(*a*) holds Her Majesty's Patent as Queen's Counsel;

(*b*) does not ordinarily reside in Singapore or Malaysia but who has come or intends to come to Singapore for the purpose of appearing in the case; and

(*c*) has special qualifications or experience for the purpose of the case.

…

[emphasis added]

41 The newly introduced requirement of "sufficient difficulty and complexity" received close treatment by the courts and, as Rajah JA noted in *Re Geraldine Andrews* at [33], it would become "notoriously difficult to satisfy". This had important practical implications because, although the courts had formulated a three-stage test for approaching *ad hoc* admission applications under s 21 of the 1990 Act, the "sufficient difficulty and complexity" requirement was not merely one of several factors which the court weighed in "having regard to the circumstances of the case". Instead, it was effectively treated in practice as a *threshold* requirement so that, unless the issues raised in the case for which admission was sought were assessed as being sufficiently difficult or complex, the application would not be acceded to (see *Re Geraldine Andrews* at [34]).

42 The above approach, as may readily be observed, is very different from what is contemplated by our current statutory framework. Under the current framework, the court is directed to consider the *totality* of the circumstances surrounding the application, having particular regard to the four factors listed in the Notification. While the complexity of the underlying case will no doubt still have a bearing on the court's final determination, it is by no means a decisive factor which trumps all other considerations. In this connection, I note that the Court of Appeal has pertinently observed that, in the light of the 2012 Amendment, the suitability of *ad hoc* admissions is now to be viewed through the prism of "need" (see *Re Beloff (CA)* at [42]). This fundamentally shifts the entire statutory emphasis away from the "difficulty and complexity" of a case and so, even though there may be some common elements between the statutory regime under the 1990 Act and the current LPA, one must exercise caution in drawing on principles espoused under the former for the purpose of interpreting the latter. Rajah JA made this point clearly at [64] and [65] of *Re Geraldine Andrews*:

> … [T]he intent of the 2012 Amendment is to give the courts greater discretion in dealing with applications for the *ad hoc* admission of foreign senior counsel by removing the threshold requirement that the issues in the case must be of "sufficient difficulty and complexity" and by easing the admission requirements for appropriate matters. … *It is no longer necessary to show that the issues in the case are of "sufficient difficulty and complexity".* Conversely, even if the issues are of sufficient difficulty and complexity, it will not necessarily follow that the application for the ad hoc admission of foreign senior counsel will be granted. *The focus has now shifted from the difficulty and complexity of the issues in the underlying case to all the matters stated in para 3 of the Notification.* Difficult and complex issues may well be competently put forward and argued by local counsel who are available and who have the appropriate expertise.
>
> The above examination of the historical evolution of the *ad hoc* admission scheme amply illustrates how the present scheme has ***radically modified*** the earlier criteria for admission. Of particular relevance is the decision by Parliament to devolve to the Chief Justice the discretion to set out the matters to be considered by the courts in deciding each and every application for *ad*

hoc admission. *The four matters specified in para 3 of the Notification are now the touchstone for the courts in assessing applications for ad hoc admission.* ***Previous cases on ad hoc admission are now only of limited relevance. The effect of this sea change has not been properly appreciated by counsel opposing the present application, who appear to be still unduly wedded to case law based on the previous ad hoc admission scheme.***

[emphasis added in italics and bold italics]

43 This underlines the point that, although a wider compass of cases than what I have identified at [37] above have dealt with *ad hoc* admissions, these cases of an earlier vintage may not necessarily point one in the right direction. The discussions contained in these cases certainly cannot be divorced from the statutory context prevailing at that time which, it is clear, has since been radically departed from.

The present analytical framework

44 As mentioned earlier, the Court of Appeal in *Re Beloff (CA)* has recently set out the analytical framework for assessing *ad hoc* admission applications under s 15 of the LPA. This is neatly summed up at [54] of the judgment:

> The architecture of the regime may thus be summarised in terms that *it requires the court first to apply its mind to certain mandatory requirements*. These are:
>
> (a) the formal requirements in ss 15(1)(*a*) and 15(1)(*b*);
>
> (b) the requirement that the foreign counsel has special qualifications and experience for the purpose of the case; and
>
> (c) the threshold inquiry of whether a special reason must be shown and if so, whether it has been.
>
> We consider these requirements mandatory because if any of these are not met, the application for admission must fail and the question of discretion does not arise. *It is only if these matters are all met that the court must then consider the further matters specified in the Notification*, and then exercise its discretion having regard to all the circumstances.
>
> [original emphasis omitted; emphasis added in italics]

45 The passage above makes clear that the court's starting point is centred on the mandatory requirements in ss 15(1)(*a*)–(*c*) and 15(2) of the LPA. If any of these requirements are not satisfied, then it is unnecessary to consider the Notification factors. If, however, the analysis does reach the Notification factors, then it should be added that there is no particular precedence among the four enumerated factors nor do they set out a new rigid four-stage test (see *Re Geraldine Andrews* at [45]). Instead, these factors are in the nature of "signposts" which direct the court towards "the ultimate question" set out in the fourth Notification factor, namely, whether having regard to all the circumstances of the case, it is reasonable to admit the foreign senior counsel (see *Re Beloff (CA)* at [53]). With this framework in mind, I turn now to consider the first set of mandatory requirements in s 15(1) of the LPA, in particular, s 15(1)(*c*).

Whether the Applicant has "special qualifications or experience for the purpose of the case"

46 There was no dispute that the Applicant satisfied the formal mandatory requirements in ss 15(1)(*a*) and (*b*) of the LPA. He has held letters patent as Queen's Counsel since 2006 and is not ordinarily resident in Singapore or Malaysia but intends to come to Singapore to represent Mr Sharma in OS 593/2014 and further and/or related proceedings should this application be allowed. An issue was raised, however, as to whether or not the Applicant satisfied the further mandatory requirement in s 15(1)(*c*). In particular, the emphasis was on whether he had special qualifications or experience *for the purpose of the case*.

The parties' arguments

47 Counsel for the Applicant, Mr Vergis, pointed out that the underlying matter in respect of which *ad hoc* admission was sought concerned Mr Sharma's judicial review proceedings against the RC's decision. The very nature of these proceedings clearly called for the application of administrative law principles and the Applicant was eminently skilled to do that. His *curriculum vitae* showed that he has, *inter alia*, had 24 years' experience as a practitioner with eight of those years as a public law Queen's Counsel, argued some 40 public law cases in the UK Supreme Court or House of Lords alone as well as cases in the Privy Council and the Hong Kong Court of Final Appeal, and also written a leading textbook on judicial review which has been cited with approval in a local case (see *Yeap Wai Kong v Singapore Exchange Securities Trading Ltd* [2012] 3 SLR 565 at [5]). [note: 28]

48 On the other hand, counsel for the Law Society, Mr Daniel, urged this court to approach the requirement in s 15(1)(*c*) in a more nuanced manner. To be clear, Mr Daniel did not dispute that the underlying judicial review proceedings clearly fell within the general rubric of administrative law. His point, however, was that this ought not to mask the strong *local* flavour of the specific issues which appeared likely to arise in those proceedings. In his submission, a closer examination of the grounds on which the RC's decision is sought to be challenged immediately reveals that Mr Sharma intends to place great reliance on a combination of local professional conduct rules, ethical principles, and procedural rules to make good his case. Yet, there was nothing to suggest that the Applicant had the relevant qualifications or experience to deal with these matters. His list of accolades in the general field of administrative law therefore rather "misses the point" as submitted by the Law Society. [note: 29]

49 I mention for completeness that the Attorney-General did not make any specific submissions in respect of s 15(1)(*c*).

Analysis

50 The cases makes it clear that, when considering s 15(1)(*c*) of the LPA, the court's focus is on whether the foreign senior counsel's qualifications and/or experience are "*relevant*" to the underlying issues and not on whether those issues are difficult or complex (see *Re Geraldine Andrews* at [39]; *Re Beloff (CA)* at [56]). In establishing whether such a linkage exists between the Applicant's expertise and the underlying issues, one must necessarily identify those very issues to begin with. I find that the present case poses little difficulty in this respect. As I alluded to earlier at [20], the central issues arising in the underlying judicial review proceedings can readily be gleaned from the Applicant's written opinion dated 19 June 2014. This is because the Applicant's opinion sets out the specific grounds for challenging the RC's decision and, in so doing, crystallises the issues for the court to consider not only at the substantive hearing for the quashing order, but also at the leave application stage where an arguable case or *prima facie* case of reasonable suspicion has to be made out (see *Jeyaretnam Kenneth Andrew v Attorney-General* [2014] 1 SLR 345 at [5]).

The local-centric nature of the underlying issues

The local-centric nature of the underlying issues

51 According to the Applicant's opinion, there are three grounds for review which, in gist, are as follows: [note: 30]

(a) first, that the RC had erred in law by reasoning that objectively, excessive overcharging cannot constitute professional misconduct *per se* "in the absence of other impropriety";

(b) second, that the RC had erred in law by rationalising the effective hourly rate claimed by Mr Yeo SC and Ms Ho on the basis of "all the solicitors involved" when there was no certificate to claim costs for more than two solicitors; and

(c) third, that the RC's reasons for dismissing Limb 2 of the complaint against Mr Yeo SC were unsustainable in law – since it was not the function of the RC to make factual determinations such as Mr Yeo SC's non-involvement in the matters complained of – and were also without any reasonable or proper evidential basis.

52 I agree with Mr Daniel that each of these three grounds raises issues which are decidedly local in nature. It is clear to me that the person advocating to quash the RC's decision based on these grounds will have to draw ineluctably from a distinctly local well of legal sources and, indeed, the Applicant's own opinion confirms that this is precisely what he has done. What is striking about his opinion is its constant references to local case law and statutory instruments at each turn which, it should be added, have no apparent connection with administrative law. I shall elaborate upon this observation by examining each of the three proposed grounds for review in turn.

53 Beginning with the first ground, the Applicant states in his opinion that the RC fell into error here because it failed to recognise what he describes as the "objective-excessiveness principle". [note: 31] According to the Applicant, this principle prescribes that objectively excessive overcharging can constitute professional misconduct without more; hence, it was not correct for the RC to insist upon proof of some "other impropriety" over and above the fact that Mr Yeo SC and Ms Ho had rendered bills of costs which were significantly taxed off. However, it is plain that this "objective-excessiveness principle" on which the Applicant relies does not have its roots in his particular domain of expertise, *viz*, administrative law. Instead, it derives from an amalgamation of local sources of law which touch on the entirely different subject of professional ethics. That this is so appears clearly from the Applicant's own opinion – he identifies r 38 of the Legal Profession (Professional Conduct) Rules (Cap 161, R 1, 2010 Rev Ed) as the statutory embodiment of this principle and, further, cites the High Court's decision in *Susan Lim* to support his interpretation of this ethical rule. [note: 32]

54 The second ground for review can be approached in much the same way as the first. Here, the Applicant states that the RC's error was in failing to recognise what he labels as the "impermissible-duplication principle". It is argued that, under this principle, costs for getting up and attendance in court of more than two solicitors cannot be recovered unless the court so certifies; the RC was therefore wrong to take into account the work of *all* the solicitors involved in assessing the effective hourly rate billed by Mr Yeo SC and Ms Ho when no such certification had been obtained by them. Ms Ho had explained, during the review hearing before Woo J, that the sums claimed in the original bills were voluntarily reduced to discount an "overlap" of work done (see [14] above). In other words, the original bills had been put forward with the inclusion of duplication and therein lay the breach of the "impermissible-duplication principle". However, it bears mention that the "impermissible-duplication principle" does not involve any intrinsic administrative law theory. Instead, it merely concerned a part of a larger collection of rules which impinge upon the recovery of costs in general. And, once again, there is no mistaking its unquestionably local origin. As local practitioners will no doubt be familiar, the

"impermissible-duplication rule" is none other than O 59 r 19 of the Rules of Court (Cap 322, R 5, 2014 Rev Ed). Indeed, this is what the Applicant has cited in his opinion as well. The Applicant has also coined a further "client-liability principle" which is, in essence, the Limb 2 complaint that was partially dismissed (see [18] above). Consistent with the "objective-excessive principle" and the "impermissible-duplication principle" before it, this principle has also been derived from a local statutory source. In the Applicant's own words, it is "provided for in section 112(2) of the Legal Profession Act". [note: 33]

55 Finally, as regards the third ground for review, it appears that the thrust of the challenge here is that the RC had fundamentally misunderstood its role. The argument, essentially, is that the RC should not have made a determination as to Mr Yeo SC's involvement (or lack thereof) in the matters complained of when that was not the purpose for which it was designed; it was not a fact-finding body. From the way in which this third argument proceeds, it is clear that it is fundamentally premised on a firm understanding of the RC's role to begin with. That, in turn, requires an intimate knowledge of the wider schema for disciplinary proceedings as laid out in our very own LPA. This is because the RC does not stand in isolation and thus cannot be approached as such. The RC sits as part of a longer chain of decision-making bodies and so its role and functions can only be properly appreciated in the light of its relationship with these related bodies. Furthermore, it goes without saying that a proper grasp of the local case law interpreting the relevant LPA provisions in this context will also be required in order to advance the necessary arguments. Finally, one would also be expected to turn to local secondary material – such as the Parliamentary debates preceding the creation of the RC by the enactment of the Legal Profession (Amendment) Act 2001 (Act 35 of 2001) (see *Singapore Parliamentary Debates, Official Report* (5 October 2001) vol 73 at cols 2195–2213) – in order to gain a better appreciation of the impetus behind the RC's introduction into the then existing disciplinary scheme.

56 As stated earlier, the aforementioned grounds for review will not only have to be considered at the substantive hearing for the quashing order but also at the leave stage (*ie*, OS 593/2014). In this connection, it should be mentioned that there are two further issues which the court hearing the leave application will have to take into account.

57 The first is one which I have already sketched in some detail above, *viz*, Mr Sharma's *locus standi* to apply for judicial review against the RC's decision. As I have suggested, this appears to raise the rather interesting issue of who can make a complaint to the Law Society. In resolving this issue, however, I am again left in no doubt that one's knowledge of domestic law necessarily comes to the fore. As I have pointed out at [29] above, the starting point for this analysis should be s 85 of the LPA. And as Mr Vergis' own approach to this issue at [32] shows, that is not the only provision which will have to be scrutinised. It is clear that other provisions in the LPA on the relevant checks and balances against the possibility of floodgates may well also be brought into play.

58 The remaining question to be determined at the leave application stage is whether the RC's decision is susceptible to judicial review. This issue arises because the Law Society takes the position that the RC's decisions are not reviewable. [note: 34] While Mr Daniel stated in his written submissions that he did "not wish to delve too deeply" into the substantive arguments on this subject – since he recognised that the appropriate forum for raising these arguments would be at the leave application hearing – it is clear from the broad outline of his arguments that he principally relies on three exclusively local sources of material. [note: 35] The first is the LPA and the disciplinary proceedings framework contained therein. Mr Daniel points, for example, to the fact that the LPA is silent on whether the RC's decisions can be reviewed and also to existing provisions such as s 96, which carve out specific avenues for a dissatisfied complainant to further pursue his complaint. It is argued that

these aspects of the disciplinary framework, among others, do suggest that the RC's decisions are not reviewable. Second, Mr Daniel also relies on certain views expressed by the Minister for Law during the second reading of the Legal Profession (Amendment) Bill 2008 (Bill 16 of 2008) to show that, in enacting s 91A of the LPA, Parliament intended to limit the judicial review of decisions made under the LPA more generally. Finally, Mr Daniel also points to several local authorities which he says supports the non-reviewability of the RC's decisions.

59 Let me be clear that I am in no way endorsing the soundness of Mr Daniel's arguments. By canvassing his arguments in this context, I have simply sought to show that the Law Society does not seek to establish the non-reviewability of the RC's decision through the quintessentially administrative law inquiry into either the source or nature of the RC's powers. There therefore appears to be no need for Mr Sharma to go down that road in arguing that the RC's decisions are reviewable. I do not say that the principles of administrative law are therefore completely irrelevant. Administrative law principles are indeed relevant, but it should be recognised that they are relevant only in so far as they put the matter of reviewability in issue at the leave stage. Once the court begins to address its mind to this issue, however, administrative law principles recede into the background. This is because it appears from the way in which the Law Society seeks to argue its case that the inquiry will then gravitate towards an analysis of whether Parliament intended to exclude judicial review of decisions by the RC. Discerning Parliament's intention in turn requires one to look inescapably to various sources of material which, as I again stress, are wholly local in origin. In the event that the court determines that Parliament did not intend to exclude judicial review, then the objection should accordingly fall away.

60 With these observations in mind, I return to the question at hand: does the Applicant have special qualifications or experience *for the purpose of the case*? Evidently not. While the Applicant is clearly well-versed in the principles of judicial review, that does not inexorably mean that he is well-placed to argue all kinds of judicial review proceedings. The potential issues arising in those proceedings have to be looked at closely and, having done so, I am in no doubt that it attracts an abundance of local content. I have not, however, been pointed to any, much less *special*, qualifications and/or experience which the Applicant may have in dealing with these domestic sources of law. Putting it bluntly, it is simply not clear what the Applicant can bring to the table given the highly *local-centric* nature of the issues arising at both the leave application stage and at the substantive hearing for the quashing order.

The Applicant's statement

61 Before moving on, I make one final point to underscore the position which I have reached. This concerns the observation which I made in my introductory remarks (at [5]) that the Applicant had filed a statement in support of the present application containing the following paragraph: [note: 36]

> ***Notwithstanding*** *that* ***I*** *do* ***not*** *satisfy all the requirements specified in section 15* of the Legal Practitioners Ordinance (Cap 161) of the Laws of Singapore, I respectfully ask that I may be admitted as a barrister of the High Court of the Republic of Singapore to appear on behalf of Deepak Sharma.
>
> [emphasis added in italics and bold italics]

62 This amply shows that, *by the Applicant's own candid assessment*, he did not meet all the necessary requirements to be admitted under s 15 of the LPA (which is mistakenly referred to as the Legal Practitioners Ordinance above). While it is true that the Applicant may not have explicitly identified subsection (1)(*c*) as the requirement that was unsatisfied, I do not see how he could

possibly have been referring to anything else when this statement was made. The Applicant clearly had no difficulties satisfying the formal mandatory requirements in ss 15(1)(*a*) and (*b*). He was obviously referring to satisfying requirements under s 15 which are personal to him. He could not possibly be referring to the remaining issues raised by the "special reason" requirement in s 15(2) and the factors in the Notification since these are matters which are not for the Applicant to satisfy and were in fact dealt with in a separate affidavit affirmed by Mr Sharma in support of the same application. I am further fortified in my view that the Applicant must have had s 15(1)(*c*) in his contemplation because a procedural practice has developed whereby the foreign senior counsel seeking *ad hoc* admission will typically make an affidavit affirming those matters within his personal knowledge, and this will particularly involve him having to state whether he can expertly discharge his duties in the case at hand. The following observation by Rajah JA in *Re Caplan* at [22] appears to be the genesis for this practice:

> In *ad hoc* admission applications, solicitors should confine the contents of the affidavits that they affirm to: (a) the names of the parties and brief particulars of the case in which the foreign senior counsel concerned intends to appear (see s 15(3) of the current LPA); (b) a summary of the material facts; (c) specific reference to the legal and factual issues involved in the underlying case that are said to justify the admission of a foreign senior counsel … ; and (d) facts that are within their personal knowledge. *When it comes to facts not within a solicitor's personal knowledge, the appropriate person to affirm the affidavit would be the person who has personal knowledge of those facts. Thus, when it comes to, for example, the efforts made by a client in seeking an appropriate local counsel before he engaged a solicitor to make an ad hoc admission application, it should be the client, and not the solicitor, who affirms those efforts in an affidavit, since the solicitor would have no personal knowledge of what transpired before he came on board. In a similar vein*, ***when it comes to the applicant's "special qualifications or experience for the purpose of the case" pursuant to s 15(1)(c) of the current LPA, it is preferably the applicant, and not the solicitor or the client, who affirms this in an affidavit. In particular, for the purposes of an ad hoc admission application, the foreign senior counsel in question should also expressly confirm in his affidavit that he has considered the application and all the relevant material in relation to the underlying proceedings, and that he is able to expertly discharge his duties.***
>
> [original emphasis omitted; emphasis added in italics and bold italics]

63 Accordingly, I have no doubt that the Applicant must have been addressing his mind to the specific requirement in s 15(1)(*c*) when his statement was made. The contents of his statement could only have related to matters within his own personal knowledge and that quite clearly does not extend beyond the requirements in ss 15(1)(*a*)–(*c*). When this is coupled with my earlier observation that the Applicant had no difficulties satisfying the formal mandatory requirements in sub-ss (1)(*a)* and (1)(*b*), one can fairly surmise that the Applicant must have specifically identified and concluded that sub-s (1)(*c*) was a hurdle to his application. This, however, leaves the possibility that the Applicant may have simply made a careless *mistake* in stating that he did not fulfil all the requirements in s 15 when he actually meant to say that he did. I am not convinced of this. This is because the presence of the word "notwithstanding" at the beginning of his statement (see [61] above) could not have been a typographical error which was inserted unthinkingly. The Applicant was clearly acknowledging through his statement that he did not satisfy all the requirements in s 15 of the LPA but was *nevertheless* hoping to obtain special dispensation from the court to be so admitted. The Applicant has not, in any event, suggested that the first statement was mistakenly made. All things considered, then, it appears safe to say that my conclusion in respect of 15(1)(*c*) is well aligned with that of the Applicant himself. The Applicant's assessment that he did not satisfy *all* the requirements under s 15 of the LPA is, after all, in line with his own opinion that the three grounds of review are all

local-centric in nature.

64 I mention, for completeness, that the Applicant did file a second statement with amendments to his first. The relevant portion is extracted here as follows: [note: 37]

> ~~Notwithstanding that~~ I do ~~not~~ satisfy all the requirements specified in section 15 of the Legal ~~Practitioners Ordinance~~ Profession Act (Cap 161) of the Laws of Singapore, I respectfully ask that I may be admitted as an advocate and solicitor ~~barrister~~ of the ~~High~~ Supreme Court of the Republic of Singapore to appear on behalf of Deepak Sharma.
>
> [strikethrough and underline in original]

65 It is clear that the overall effect of these amendments, significantly, was to convey the exact opposite of what the Applicant's first statement stated. It appears that, now, the Applicant *did* satisfy all the requirements under s 15 of the LPA. However, this second statement was not without its problems. As has already been mentioned, this second statement was filed without leave of court just two days before the hearing. The filing of the second statement was also not brought to the court's attention by Mr Vergis during the hearing. This procedural irregularity (the filing of the second statement without leave) was instead raised by Mr Daniel during his oral submissions. There was, in any event, no explanation provided whatsoever for the obvious change in position or why the Applicant had earlier stated that the requirements under s 15 were not met. These aspects of the second statement were clearly unsatisfactory and thus I was not minded to take it into account.

Whether there is a "special reason"

66 Having found that the Applicant does not satisfy the *mandatory* requirement in s 15(1)(*c*) of the LPA, there is strictly no need to continue with the analysis. Nevertheless, I shall proceed to do so in the event that I am mistaken. In this part of the judgment, I consider whether there is a "special reason" to admit the Applicant pursuant to s 15(2) of the LPA read with r 32(1) of the Admission Rules. This issue arises because there is no dispute that the Applicant is seeking to be admitted for a case falling within one of the three statutorily ring-fenced areas of legal practice, *viz*, administrative law.

The applicable principles

67 Before setting out the parties' respective arguments, it is useful to begin with several propositions concerning the "special reason" requirement which have emerged from the recent decisions.

68 First, it is clear that the term "special reason" is one that is incapable of precise definition. In fact, it is neither necessary nor desirable to attempt to define it. This point was well made by Rajah JA in *Re Lord Goldsmith* at [48]:

> … It would be something of a contradiction in terms to attempt to identify a prototypical "special reason". If it is something which one can reach for and define, it is also unlikely to be so out of the ordinary that it becomes a "special reason". Any attempt to define "special reason" would require an exercise of the imagination to reach beyond issues or situations that one normally encounters. That is not generally the practice of common law courts, which are better equipped to develop the law incrementally and by reference to the specific facts and circumstances of each case.

69 The focus is therefore on the particular circumstances of each case and this leads to the second point about the "special reason" requirement – those circumstances must be *exceptional* in nature (see *Re Caplan* at [54]; *Re Lord Goldsmith* at [48]). In this regard, Rajah JA has further clarified that there is no sound policy reason to confine what can constitute exceptional circumstances only to those cases which raise "macro" considerations (*ie*, considerations which transcended the specifics of any individual case) (see *Re Caplan* at [54]). While that is likely to be the norm in practice, a case could well manifest exceptionality even though only the private interests of an individual, or issues pertaining solely to him, are involved (see *Re Caplan* at [54]; *Re Lord Goldsmith* at [46]).

70 The two propositions mentioned thus far have been concerned with the "special reason" requirement standing on its own. The third, however, has to do with its place within the broader analytical framework for *ad hoc* admissions. It is noted that there was, at one point, a preference for an approach known as the "twin key" approach which regarded the "special reason" requirement as one of two keys (see *Re Caplan* at [48]; *Re Lord Goldsmith* at [40]). The other key represented the composite list of factors in para 3 of the Notification and both had to be turned successfully in order to unlock the door to *ad hoc* admission. Importantly, the "twin key" approach did not prescribe a sequence for turning the keys. However, it should be clear from the analytical framework set out at [44] above that the Court of Appeal in *Re Beloff (CA)* has since taken a slightly different view. In this regard, the Court of Appeal has unambiguously stated (at [50]) that the "special reason" requirement is in the nature of a mandatory *threshold* requirement that "must be met *before* turning to the other considerations" [emphasis added]. Nevertheless, it should be stressed that the fact that the "special reason" requirement and the Notification factors now clearly occupy distinct stages of the overall inquiry does not mean that they are *entirely* separate and distinct from one another – they are still *linked*. The court must, accordingly, "have regard to the individual considerations in the context of how they relate to or affect one another" (see *Re Beloff (CA)* at [55]). Putting it in another way, one must avoid viewing the "special reason" requirement and the Notification factors in their individual silos. Such an approach necessarily overlooks their possible interactions with one another and thus might lead to an impoverished analysis.

The parties' arguments

71 The main thrust of Mr Vergis' case was that Mr Sharma had taken conscientious steps to contact no less than 20 local SCs to assist him in either his complaint to the Law Society or his judicial review application. [note: 38] However, all of these SCs who were approached declined to render Mr Sharma an opinion, much less represent him for various reasons including possible conflict of interest. In Mr Vergis' submission, the practical realities of this case could not be ignored as an important factor which contributed to the lukewarm responses received by Mr Sharma. Mr Yeo SC, it was stressed, is not only a prominent member of the legal fraternity but also of the wider public community. He is a Member of Parliament, a very senior local SC, and a leading figure in one of the largest law firms in Singapore (*ie*, Wong P); hence, he and his firm would have close professional and personal relationships with many of the leading lawyers and law practices in Singapore. [note: 39] Mr Vergis also added that it was necessary for Mr Sharma to have skilled representation by a local SC (or foreign equivalent) in this case because the three grounds on which judicial review were sought raised "serious matters", although this was not elaborated upon in his written submissions. [note: 40] Further, he emphasised that this was the first time that a decision of the RC was being subjected to judicial review, thus the question of whether the RC's decisions were even reviewable was a novel one.

72 Both the Attorney-General and the Law Society proceeded on broadly the same footing that representation by a local SC or a foreign senior counsel was *not necessary*. In response to Mr Vergis'

argument on the reviewability of the RC's decision, the Law Society's position was that this did not raise a novel point of law because, for the same reasons as enumerated at [58] above, the legislature has already evinced an intention to exclude the RC's decisions from judicial review. [note: 41] The Attorney-General's submission on this point was that the novelty of an issue in itself does not translate into the *need* for representation by only a select pool of local SCs or foreign senior counsel. [note: 42] The complexity and difficulty of the issues involved also had to be weighed in the balance. In this respect, both the Attorney-General and the Law Society submitted that there was nothing to suggest that the issues raised by the judicial review proceedings were so complex or difficult that *other* local counsel (*ie*, non-SCs) would not be able to effectively represent Mr Sharma. Therefore, Mr Sharma could not cite the lack of availability of local SCs as a "special reason" for *ad hoc* admission when there was no basis for him to have restricted his search to *only* local SCs to begin with. There was a wider pool of competent local counsel from whom he could have sought assistance but, as it turned out, omitted to consider entirely. Moreover, there was also no explanation why Mr Vergis himself could not adequately represent Mr Sharma in his judicial review application given the competence which he displayed in the conduct of this application.

Analysis

Two preliminary observations

73 I make two preliminary points regarding the parties' submissions.

74 First, it may readily be noticed that Mr Vergis' submission essentially populates the "special reason" requirement with several of the Notification factors. The lack of availability of local counsel, nature of the underlying issues, and necessity for representation by foreign senior counsel are all factors which have been specifically enumerated in para 3 of the Notification (see [36] above). However, in the light of the Court of Appeal's observation in *Re Beloff (CA)* that the inquiry into "special reason" is sequentially prior to and distinct from a consideration of the Notification factors, one might pause to query whether merging the analysis in this way is permissible. In my view, there is nothing objectionable *per se* with such an approach. As has already been pointed out, the Court of Appeal has impressed the importance of recognising that the different parts of the *ad hoc* admission framework are necessarily linked and not standalone requirements. Therefore, one can ordinarily expect "some degree of overlap" between the Notification factors and the "special reason" requirement (see *Re Caplan* at [49]). Indeed, I add that it would be unsound to insist on a "special reason" which is invariably different from the factors found in the Notification because that is akin to defining the "special reason" *by exclusion*.

75 Second, it is also apparent that the crux of the parties' dispute concerns the relevant pool of local counsel which Mr Sharma could reasonably have been expected to approach. Should he have approached only local *SCs* or was this too exclusive a pool? The answer to this question cannot be answered in a vacuum. This is because the pool of competent local counsel necessarily turns on a prior evaluation of the nature of the issues. The more the issues are complex or difficult, or novel, or of significant precedential value, "the smaller might be the pool of local advocates able and available to deal with the case at hand and the greater might be the need for the admission of foreign counsel" (see *Re Beloff (CA)* at [61]). With this in mind, I shall first consider Mr Vergis' submission on the nature of the issues raised in the underlying proceedings.

The nature of the issues

76 As earlier noted in the context of discussing s 15(1)(*c*) of the LPA, the central issues potentially arising in the underlying judicial review proceedings are entwined with the three grounds on

which the RC's decision is sought to be quashed (see [51] above). Quite apart from the fact that these issues are local-centric in nature, I also find that there is nothing particularly difficult or complex about them. However, before proceeding to illustrate how I came to this view, I pause to emphasise that I should not be mistaken as attributing determinative weight to or even prioritising the relative complexity or difficulty of a case in every application for *ad hoc* admission. Such an approach harkens back to the position prior to the 2012 Amendment and that would be most unfortunate given how the jurisprudence has since then wisely recognised the new emphasis under the current framework (see [42]–[43] above) and, consequently, developed along its own path. I stress that the complexity and difficulty of the underlying issues have *only* been accorded the attention which it has here because it is Mr Sharma's case that a "special reason" exists on account of the lack of availability of local counsel to assist him in his judicial review application and that, as I have said in the preceding paragraph, is an inquiry that is inextricably dependent on the nature of the issues. Put simply, the "special reason" cited in support for this application has the effect of driving the analysis unavoidably towards an examination of the nature of the issues. The following observations which I make on the complexity and difficulty of the issues must therefore be understood with this important caveat in mind.

77 The first of the proposed grounds for review rests solely on the proposition that objectively gross overcharging can constitute professional misconduct in and of itself. However, I do not see how it will require any intricate or sophisticated submissions to establish this. During the hearing, I quizzed Mr Vergis on the legal foundation for this proposition and he was able to immediately direct me to the decision in *Susan Lim* where the court had stated, in the context of considering a lawyer's ethical duties at [51], that "the presence of … additional factors is unnecessary, and … overcharging can – in and of itself – constitute professional misconduct". To be clear, I am not saying that the RC's decision should be quashed in the light of this authority. The point which I am merely making is that the legal proposition sought to be established does not appear to be a particularly controversial one which, for example, has to be extracted from a long line of (perhaps conflicting) authorities. Further, Mr Vergis has demonstrated that he is well-acquainted with this proposition and more than capable of advancing it in the judicial review proceedings.

78 The second ground for review also raises the rather straightforward issue of whether the RC was correct to take into account the work of all the solicitors involved when no certificate for more than two solicitors had been obtained by Wong P. It should be stressed that there are no factual disputes here. It is clear from the face of each of the three bills which were rendered that, indeed, no certificate for more than two solicitors had been issued. The only issue raised by this ground is one of law – was the RC correct to take into account the work of *all* the solicitors involved notwithstanding the procedural rule in O 59 r 19? Again, I fail to see how the resolution of this issue can attract much difficulty. It ostensibly turns on the application of a particular provision of the Rules of Court, and that is precisely the kind of question which arises in our courts every day.

79 The third ground engages the legal issue of whether the RC had fundamentally misunderstood its own role in finding that Mr Yeo SC was not involved in the matters complained of. As I had stated earlier at [55], the arguments made pursuant to this ground will necessarily revolve around the relevant provisions in the LPA which set out the entire scheme for disciplinary proceedings against lawyers. This will primarily involve an exercise in statutory interpretation to ascertain the true role of the RC and, once more, I am not convinced that it will either be complex or difficult to undertake.

80 Viewed in this way, it is not apparent how the three grounds for review would raise any "serious matters" as stated in Mr Vergis' written submissions. However, I note that, during the hearing, Mr Vergis did submit that an important *threshold* legal issue was raised by the three grounds collectively. The context in which this submission was made is important. It bears mention that this was not a

point raised in either Mr Vergis' written submissions or in the Applicant's opinion. Instead, it arose out of a preliminary observation made in the Attorney-General's written submissions to the effect that Mr Sharma's application for judicial review was, for all intents and purposes, an *appeal* against the RC's decision. [note: 43] In this regard, the Attorney-General had pointed out that none of the three grounds raised by Mr Sharma were based on the traditionally recognised grounds for seeking judicial review, *viz*, irrationality, illegality, or procedural impropriety. Rather, the three grounds were all premised on alleged *errors of law* committed by the RC and these were properly the grounds for an appeal. The Attorney-General therefore concluded that the judicial review application was "fundamentally misconceived" and "doomed to fail". [note: 44] It was in response to this threshold argument that Mr Vergis then cited the House of Lords' decision in *Anisminic Ltd v Foreign Compensation Commission and another* [1969] 2 AC 147 ("*Anisminic*") at the hearing. According to Mr Vergis, *Anisminic* stood for the proposition that a tribunal's errors or misdirection of law *can* indeed form the basis for judicial review; hence, the threshold question of whether or not errors of law were even reviewable in Singapore was not as straightforward as the Attorney-General had suggested.

81 The account which has just been provided illustrates how the threshold question arose rather organically during the course of the hearing. It was certainly not advanced as the main trunk of or even an incidental branch to Mr Vergis' submissions on the nature of the issues which would potentially arise in the judicial review proceedings. Indeed, it was not even identified by Mr Vergis or the Applicant as an issue to begin with. Given this background context, it was unsurprising that, apart from citing the decision in *Anisminic*, Mr Vergis did not really develop his argument much further on how the threshold issue was one that was *complex or difficult*. All he could say in this connection was that the fact that the Attorney-General took a diametrically opposed position on such a fundamental point of administrative law lent weight to his view that this was a difficult issue with potentially wide-reaching implications. However, I do not think that such a general assertion takes Mr Vergis very far. The fact that parties may adopt clashing views on certain issues is merely a product of our adversarial process and it does not inevitably lead to the conclusion that those disputed issues are difficult or complex. Furthermore, I should point out that, in any event, Mr Daniel was able to direct me to several local authorities during the course of his oral submissions which appear to have considered *Anisminic*. In the light of this, it is difficult to see why local counsel will not be able to make submissions on the threshold issue competently.

82 Finally, I address the two remaining issues which will arise at the leave stage, *viz*, the *locus standi* of Mr Sharma to commence judicial review proceedings and the reviewability of the RC's decision. Both these issues are, in a sense, novel. The question of whether a complainant to the Law Society is required to establish *locus standi* has not been considered before and this is also the first time that judicial review has been sought against an RC's decision. Mr Vergis therefore says that the resolution of these issues will be of some moment and so the court which has to decide on these important matters would certainly benefit from the expert presentation by skilled counsel.

83 I am not persuaded by Mr Vergis' argument. While the novelty of the underlying issues is no doubt a relevant factor to consider, it is simply a part of the court's overall assessment of the nature of the issues involved. This is illustrated by the approach taken in *Re Lord Goldsmith*. There, Rajah JA also recognised at [64] that the issue in respect of which the applicant sought *ad hoc* admission was a novel one – it was the first time that the constitutionality of s 377A of the Penal Code (Cap 224, 2008 Rev Ed) was being challenged in the Court of Appeal. In fact, Rajah JA further noted that there was "an additional element of novelty" because that was one of the few occasions where the court was being invited to examine the legitimacy of Parliament's objective in enacting s 377A. However, the application to admit Lord Peter Goldsmith QC was dismissed because, ultimately, the issues were not "of such a peculiarly complex nature that they present[ed] a case which [was] out of the

ordinary from a legal perspective" (at [64]).

84 In my view, there is also nothing "peculiarly complex" or "out of the ordinary" about either the *locus standi* issue or the reviewability issue here. This is because the resolution of both issues involves no more than the proper interpretation to be placed on the relevant provisions in the LPA pertaining, in particular, to the complaints regime in s 85 and the disciplinary proceedings regime in Part VII. In other words, stripped down to its core, the two issues are essentially issues of statutory interpretation of the relevant *local* legislation. They might not admit of an easy answer because of the varying possible interpretations that the respective statutory regimes can bear; however, that is not to say that counsel will necessarily find it difficult or complex to formulate and advance their respective interpretations in this connection. I would also add that, in terms of novelty, complexity and difficulty, one can easily appreciate at a glance that the issues arising in the underlying judicial review proceedings here certainly pale in comparison to those which were being considered in *Re Lord Goldsmith*. I am not saying that the present issues are trifling in nature but, as a matter of relativity, there is plainly no doubt that a decision on whether or not s 377A of the Penal Code is constitutional has far wider societal and legal implications for Singapore than what concerns us here. Seen from this perspective, it would be odd if the present application for *ad hoc* admission nevertheless succeeded merely because of the novelty of the underlying issues when the application in *Re Lord Goldsmith* did not.

85 There is one final point which, in my view, cannot be ignored in the context of considering whether it is *necessary* to admit foreign senior counsel on account of the nature of the issues. This point also emerges from *Re Lord Goldsmith*. There, Rajah JA had perceptively noted that the applicant was seeking *ad hoc* admission to argue an *appeal* in the Court of Appeal. In the learned judge's assessment, appellate advocacy in Singapore had become more "*writing-centred*" than in many other common law court systems (at [29]) and he explained the impact which this had on the necessity for *ad hoc* admission as follows (at [37]):

> The writing process therefore serves both a creative function in generating and marshalling ideas, and a critical function that allows counsel to identify ambiguities and inconsistencies in their own cases as well as those in the opposing side. ***There is nothing to prevent the participation of foreign senior counsel in the preparation of the written submissions, the writing of further submissions (if any), and the preparation of the oral case (in anticipating and preparing for questions).*** Because of the wider scope for the involvement of the expertise of a foreign senior counsel in appeal cases, there may thus be *less necessity* in appeals, notwithstanding the importance of the issues engaged, to have foreign senior counsel admitted to *orally* present the Case. ***It is strong written advocacy that usually has determinative consequences.*** …
>
> [emphasis in original in italics; emphasis added in bold italics]

86 In my judgment, Rajah JA's observations are highly instructive for the present case. Although the Applicant here does not seek admission to argue an appeal, the underlying judicial review proceedings are nevertheless akin to one since they are devoid of any disputes of fact and are centred entirely on issues of law. Unlike a trial, there will be no cross-examination of witnesses, no forensic examination of bundles of documentary evidence, and certainly no necessity to make "irreversible strategic decisions in the context of a dynamic process" (see [*Re Lord Goldsmith* at [25]). In these circumstances, it is difficult to see why there is a need for Mr Sharma to be represented by foreign senior counsel. The Applicant can provide substantial input in crafting and drafting the written submissions and these arguments can then be ventilated orally in court by competent local counsel. Mr Sharma may well *prefer* to have the Applicant argue his case as well, but that is quite beside the point. As the Court of Appeal stated in *Re Beloff (CA)* at [62]: "'Necessity', or

'need', contemplates a somewhat high threshold, higher at any rate than a matter of 'desirability' or 'preference'."

The relevant pool of local counsel

87 Having established that Mr Sharma's judicial review application does not attract complex or difficult issues, it follows that the relevant pool of local counsel which he should have approached is substantially enlarged. I therefore agree with the Attorney-General and the Law Society's submissions that Mr Sharma should not have confined his search for legal assistance to only the handful of local SCs. I note, however, that Mr Vergis sought to address this point during the hearing by emphasising that, in some instances, it was not just individual SCs who had *personally* declined to represent Mr Sharma but that *whole firms* were doing so. The result of this was that many local non-SCs in these firms who might have been approached were taken out of the picture in one fell swoop. Accordingly, Mr Vergis stressed that it was not for want of trying that Mr Sharma could not engage competent local counsel, but the circumstances which were unfolding at the time simply limited the avenues to which he could turn.

88 In my view, Mr Vergis' argument benefitted from how the circumstances eventually played out rather than being a true reflection of Mr Sharma's state of mind at the time. Mr Sharma had filed an affidavit with the court's leave setting out chronologically the lawyers whom he had directly or indirectly approached to represent him and it is abundantly clear from this affidavit that his search was limited only to local SCs (with Mr Edwin Tong as the possible exception). [note: 45] There was a conspicuous absence in his account of events of a single approach made to a local non-SC. Mr Sharma did not actually ask any non-SC in the law firms whom he had approached to act. They became unavailable because those *law firms* decided not to accept the brief. In my judgment, this disclosed the mindset of a man for whom only the very best counsel would do. In the context of local counsel, that is eminently his prerogative. However, different considerations come into play for foreign senior counsel. He certainly does not appear to have contemplated at all that it was still open for him to approach non-SCs in firms other than those which had already turned him down. The point being made here is not that a litigant must exhaust *all* available local options before resorting to foreign senior counsel but that there cannot be a natural gravitation towards local SCs *only*. The Court of Appeal in *Re Beloff (CA)* recognised this point as much when it made the following observation at [63] that "it has to be said that while the title of SC is a mark of professional distinction, one does not have to be an SC to be a very able litigator".

89 In these circumstances, I find that the "special reason" requirement in s 15(2) of the LPA could not be satisfied on the basis that there was a lack of availability of local counsel. The situation is quite to the contrary in fact because Mr Sharma appears to have already retained a very competent local counsel in Mr Vergis. Whether or not Mr Sharma wishes for Mr Vergis to continue representing him in the judicial review proceedings in the light of this decision is, of course, a matter entirely up to him to decide. However, for my part, I should say that I was impressed by the quality of Mr Vergis' advocacy and he is certainly more than capable of advancing his client's position in the judicial review application.

Conclusion

90 The Applicant therefore fails to satisfy two *mandatory* requirements in ss 15(1)(*c*) and 15(2) of the LPA, though failure to satisfy *either* of the two would have been fatal to the application. Accordingly, the application is dismissed.

91 I should mention, for completeness, that although I have not, in this judgment, specifically

dealt with the four Notification factors, the first three of these factors have already been considered in the context of discussing the "special reason" cited by Mr Sharma (see [74] above). For the same reasons stated at [76]–[89] above, I am of the view that the three factors do not weigh in favour of admitting the Applicant and, accordingly, I would have answered the "ultimate question" as set out in the fourth Notification in the negative, *ie*, it is *not* reasonable, having regard to all the circumstances of the case, to admit the Applicant.

Costs

92 In addition to the prescribed fees payable to the Law Society under s 15(5) of the LPA, the Law Society is also seeking costs as respondent to this application. As the application has been dismissed for failure to satisfy the two mandatory requirements under ss 15(1)(*c*) and 15(2) of the LPA, there should normally be costs consequence. However since the costs incurred by the Law Society as respondent would have been incurred in any event for which the prescribed fees have already been paid, I make no further order as to costs for this application.

[note: 1] Letter from Mr Sharma to the Law Society of Singapore dated 23 January 2014 ("Complaint Letter"), exhibited in Mr Sharma's 1st Affidavit dated 26 June 2014 ("Mr Sharma's 1st Affidavit").

[note: 2] Complaint Letter at p 3.

[note: 3] Complaint Letter at p 2.

[note: 4] Complaint Letter at p 2.

[note: 5] Complaint Letter at p 3.

[note: 6] Complaint Letter at p 3.

[note: 7] Complaint Letter at p 3.

[note: 8] Complaint Letter at p 3.

[note: 9] Complaint Letter at p 6.

[note: 10] Complaint Letter at p 7.

[note: 11] Mr Sharma's 2nd Affidavit dated 22 September 2014 ("Mr Sharma's 2nd Affidavit") at para 4, serial nos 1–11.

[note: 12] Mr Sharma's 1st Affidavit at para 13.

[note: 13] Opinion of Mr Ian Winter QC dated 8 December 2013 ("Winter QC's Opinion"), exhibited in Mr Sharma's 1st Affidavit.

[note: 14] Winter QC's Opinion at para 2.

[note: 15] Letter by the Review Committee to Mr Sharma dated 10 April 2014 ("RC's Letter"), exhibited in Mr Sharma's 1st Affidavit.

[note: 16] RC's Letter at para 4.

[note: 17] RC's Letter at para 14(a)(iii).

[note: 18] RC's Letter at para 14(a)(iii).

[note: 19] RC's Letter at para 14(b)(i).

[note: 20] RC's Letter at para 15.

[note: 21] Mr Sharma's 1st Affidavit at para 11.

[note: 22] Mr Sharma's 1st Affidavit at para 13.

[note: 23] Analysis prepared by the Applicant for Mr Sharma dated 19 June 2014 ("Applicant's Analysis"), exhibited in Mr Sharma's 1st Affidavit.

[note: 24] Applicant's Analysis at para 3.

[note: 25] Statement in OS 593/2014 dated 25 June 2014 at paras 17–19, exhibited in Mr Sharma's 1st Affidavit.

[note: 26] Mr Sharma's 1st Affidavit at para 13.

[note: 27] RC's Letter at para 7.

[note: 28] Applicant's Written Submissions dated 15 September 2014 ("Applicant's Written Submissions") at para 11(6).

[note: 29] Law Society's Written Submissions dated 15 September 2014 ("Law Society's Written Submissions") at paras 47–48.

[note: 30] Applicant's Analysis at paras 19–22.

[note: 31] Applicant's Analysis at para 19.

[note: 32] Applicant's Analysis at para 14.

[note: 33] Applicant's Analysis at para 11.

[note: 34] Law Society's Written Submissions at para 85.

[note: 35] Law Society's Written Submissions at para 86.

[note: 36] Mr Michael Fordham QC's 1st Affirmation dated 24 June 2014 at para 8.

[note: 37] Mr Michael Fordham QC's 2nd Affirmation dated 23 September 2014 at para 4.

[note: 38] Applicant's Written Submissions at para 12(11).

[note: 39] Applicant's Written Submissions at para 12(12).

[note: 40] Applicant's Written Submissions at para 15(5).

[note: 41] Law Society's Written Submissions at paras 85–86.

[note: 42] Attorney-General's Written Submissions dated 15 September 2014 ("Attorney-General's Written Submissions") at para 50.

[note: 43] Attorney-General's Written Submissions at paras 14–15.

[note: 44] Attorney-General's Written Submissions at para 16.

[note: 45] Mr Sharma's 2nd Affidavit at para 4, serial nos 20–21.