IN THE COURT OF THREE JUDGES OF THE REPUBLIC OF SINGAPORE

[2020] SGHC 38

Originating Summons No 9 of 2019

In the matter of Sections 94(1) and 98(1)
of the Legal Profession Act (Cap 161)

And

In the matter of Ezekiel Peter Latimer, an
Advocate and Solicitor of the Supreme
Court of the Republic of Singapore

Between

The Law Society of Singapore

… *Applicant*

And

Ezekiel Peter Latimer

… *Respondent*

EX TEMPORE JUDGMENT

[Legal Profession] — [Disciplinary proceedings]
[Legal Profession] — [Professional conduct] — [Grossly improper conduct]

Version No 1: 27 Oct 2020 (22:41 hrs)

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Law Society of Singapore
v
Ezekiel Peter Latimer

[2020] SGHC 38

Court of Three Judges — Originating Summons No 9 of 2019
Andrew Phang Boon Leong JA, Judith Prakash JA and Quentin Loh J
21 February 2020

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Andrew Phang Boon Leong JA (delivering the judgment of the court *ex tempore*):

1 The seriousness of the respondent's misconduct cannot be understated. Although there was no proven dishonesty, it is plain that the respondent held little regard for his client's interests, illustrated by his total inaction over a period of 14 months. Having failed to attend the hearing on 11 April 2017 or make any proper arrangements to obtain an adjournment, the respondent took no steps to remedy the consequences of his absence. This was despite two signed undertakings, given one *year* after the hearing, that he would do so. Persistent attempts by the respondent's client to contact him were ignored.

2 We are satisfied that the respondent's conduct falls within s 83(2) of the Legal Profession Act (Cap 161, 2009 Rev Ed) ("LPA") in particular, ss 83(2)(*b*) and 83(2)(*h*). We also find that on the totality of the facts and circumstances of the case, this conduct "was *sufficiently serious to warrant the imposition of*

sanctions under s 83(1) of the LPA" (see *Law Society of Singapore v Udeh Kumar s/o Sethuraju* [2017] 4 SLR 1369 at [30] [emphasis in original]). Due cause has been made out.

3 Turning to the appropriate sentence, cases involving grossly improper conduct without dishonesty or deceit generally attract a monetary penalty. That being said, much depends on the "overall circumstances" of the case; the presence of aggravating factors may justify the imposition of more severe sanctions, such as a suspension from practice or being struck off the roll (see *Law Society of Singapore v Chiong Chin May Selena* [2013] SGHC 5 at [44]–[45]).

4 In our judgment, the prolonged duration and blatant nature of the respondent's wrongdoing warrants a period of suspension. We add that the duration of this suspension should be substantial. The respondent is a practitioner of more than 20 years' standing. It is well established that this fact should be taken into account against him in determining the length of his sentence because "[t]he more senior an advocate and solicitor, the more damage he does to the integrity of the legal profession" (see *Law Society of Singapore v Nathan Edmund* [1998] 2 SLR(R) 905 at [33]).

5 It is also troubling that the respondent has recently been involved in a separate incident of misconduct. Just last year, the respondent was found to have placed himself in a position of conflict of interest by preferring the interest of one client to another in the course of his concurrent representation of them in criminal proceedings. This amounted to grossly improper conduct and conduct unbefitting of an advocate and solicitor, also under ss 83(2)(*b*) and 83(2)(*h*) of the LPA (see *Law Society of Singapore v Ezekiel Peter Latimer* [2019] 4 SLR

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1427 ("*Ezekiel Peter*") at [9] and [81]). A three-year suspension was imposed, which took effect on 1 April 2019 (see *Ezekiel Peter* at [81]).

6 In all the circumstances, we are satisfied that a two-year suspension is appropriate. As held in *Law Society of Singapore v Chan Chun Hwee Allan* [2018] 4 SLR 859 at [44], there is no justification for two terms of suspension to run concurrently where the respondent's earlier convictions relate to an entirely different set of offences that occurred at a different time. We therefore hold that the respondent's suspension shall commence from the expiry of his existing three-year term of suspension.

Andrew Phang Boon Leong Judge of Appeal	Judith Prakash Judge of Appeal	Quentin Loh Judge

Lin Weiqi Wendy (WongPartnership LLP) for the applicant;
The respondent unrepresented and absent.

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