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

[2022] SGHC 237

Admission of Advocates and Solicitors 100 of 2022
Summons No 2501 of 2022

In the matter of Section 12 of the Legal Profession Act 1966

And

In the matter of Rule 25 of the Legal Profession (Admission) Rules 2011

And

In the matter of Sean Wong Wai Loong

Sean Wong Wai Loong

… *Applicant*

AND

Admission of Advocates and Solicitors 121 of 2022
Summons No 3008 of 2022

In the matter of Section 12 of the Legal Profession Act 1966

And

In the matter of Rule 25 of the Legal Profession (Admission) Rules 2011

And

In the matter of Ong Jia Yi Joleen

Ong Jia Yi Joleen

… *Applicant*

AND

Admission of Advocates and Solicitors 124 of 2022
Summons No 3009

In the matter of Section 12 of the Legal Profession Act 1966

And

In the matter of Rule 25 of the Legal Profession (Admission) Rules 2011

And

In the matter of Lim Zi Yi

Lim Zi Yi

… *Applicant*

AND

Admission of Advocates and Solicitors 125 of 2022
Summons No 3010

In the matter of Section 12 of the Legal Profession Act 1966

And

In the matter of Rule 25 of the Legal Profession (Admission) Rules 2011

And

In the matter of Annabelle Au Jia En

Annabelle Au Jia En

… *Applicant*

GROUNDS OF DECISION

[Legal Profession — Admission]

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Re Wong Wai Loong Sean and other matters

[2022] SGHC 237

General Division of the High Court — Admission of Advocates and Solicitors Nos 100, 121, 124 and 125 of 2022 (Summons Nos 2501, 3008, 3009 and 3010 of 2022)
Sundaresh Menon CJ
26 August 2022

26 September 2022

Sundaresh Menon CJ:

Introduction

1 As the recent controversy surrounding the 2020 Part B examinations draws to what – I hope – is a close, I urge careful, critical and constant reflection upon all the candidates involved. Any time that they will each need to spend outside the profession looking in is not meant, as I emphasised in *Re Tay Quan Li Leon* [2022] SGHC 133 ("*Re Leon Tay*") at [38] and [42], to punish. It is, instead, a time for reflection, learning and growth. These objectives must not be seen by the candidates with *any* degree of cynicism. They must not allow themselves to look at these months or years as dues to be paid for mere lapses in judgment or, worse, "getting caught". Nor should they resign themselves to thinking about any good work they do during this time as little more than the unavoidable tasks which will need to be carried out in the accumulation of tangible markers of character growth – markers to be placed mechanically in

due course before this court and the stakeholders as proof that no further objections need be raised to their admission. Although, when the time comes, there will be an inevitable need to prove their bettered character, this is not a mechanical process. I must impress upon the candidates the far greater importance of looking inwards; of approaching this time and all that they can do with it with a sincere desire to learn and be transformed. Strong character – built on honest and resilient foundations, cultivated through careful and frequent reflection – will, when it is needed, shine through.

2 The applicants in HC/AAS 100/2022 ("AAS 100"), HC/AAS 121/2022 ("AAS 121"), HC/AAS 124/2022 ("AAS 124") and HC/AAS 125/2022 ("AAS 125") were found to have cheated in the 2020 Part B examinations. After their respective cheating incidents, they resat and passed the examination. They then filed applications to be admitted as advocates and solicitors, but, after objections were entered, they each applied for permission to withdraw their admission applications. I heard each of those withdrawal applications on 26 August 2022 (the "Hearing") and I allowed them subject to certain conditions which I will restate below. At the Hearing, I provided brief reasons for my decision. These are the full grounds of my decision.

General principles

3 In cases like this, as I explained throughout my judgment in *Re Leon Tay* (see [1], [28], [34], [38], [42] and [46]), the *core* issue which calls for determination is whether the applicant is suitable for admission in terms of her character. In the particular context of applicants who have cheated in an examination, it is relevant to look at (a) the circumstances of the cheating; (b) the conduct of the applicant during any investigations which follow the incident of cheating; (c) the nature and extent of subsequent disclosures made in any

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application for admission; (d) any evidence of remorse; and (e) any evidence of efforts planned or already initiated towards rehabilitation. All of these inform the determination of what the applicant's character issues are, how they may be addressed, and, more immediately – for the purposes of determining the applicant's withdrawal application – the amount of time she will likely need to resolve those issues.

4 I kept the question of character firmly in mind when disposing of the withdrawal applications at the Hearing. I should also add that inferring a defect in character was not a question I took lightly. The significance of this will become apparent when I set out my analysis of the three applications to withdraw AAS 121, 124 and 125 (at [44] below), in respect of which some factual issues arose. First, however, taking these matters in sequence, I will detail my decision and reasoning in respect of the application to withdraw AAS 100.

Mr Sean Wong Wai Loong

5 The applicant in AAS 100 was Mr Sean Wong Wai Loong ("Mr Wong"). His application to withdraw was HC/SUM 2501/2022 ("SUM 2501"). At the Hearing, I allowed SUM 2501 and, therefore, Mr Wong to withdraw AAS 100 on the following conditions which, for convenience, I will hereafter refer to as the "Conditions of Withdrawal":

> (a) That he would undertake not to bring a fresh application to be admitted as an advocate and solicitor in Singapore or in any other jurisdiction for a period of not less than two years from the date of my decision, which was 26 August 2022; and

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(b) That, if and when Mr Wong did bring a fresh application to be admitted, he would also undertake to satisfy any prevailing statutory or other reasonable requirements as may be imposed by the Attorney-General (the "AG"), the Law Society of Singapore (the "Law Society"), the Singapore Institute of Legal Education (the "SILE") (collectively the "stakeholders") or this court as to his fitness and suitability for admission.

6 I now explain how I determined two years to be a suitable period.

The cheating incident

7 On 25 November 2020, from 10am to 12pm, the SILE administered the Mediation Advocacy ("Mediation") paper for the 2020 Part B examinations. As the examinations were conducted remotely, candidates were given an additional 15-minute window after 12pm to upload and submit their scripts through the SILE's website. Mr Wong initially sat for and attempted the Mediation paper in accordance with the SILE's examination rules, and did not communicate with other candidates during the paper, such conduct being prohibited. At 12.06pm he duly submitted his script. Had he stopped here, there would have been no objections to AAS 100.

8 However, thinking that the examination had ended and had gone well, Mr Wong communicated with another candidate, who too had completed the examination. Although this was a breach of the examination rules, it was not conduct in respect of which any objections were entered. Mr Wong explained that when he spoke to this other candidate, the paper had – in his mind – already ended. Indeed, he said that before substantively communicating, he and the other candidate had specifically confirmed that they each had submitted their respective scripts. Mr Wong asked to see the other candidate's answers, to

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examine how they compared to his own. Given that he did in fact submit his script at 12.06pm, I did not see any reason to doubt that this was the true reason for his communication with the other candidate.

9 That said, Mr Wong went far beyond this technical breach of the rules. At 12.11pm, Mr Wong received a copy of the other candidate's script by email. Upon reviewing it, Mr Wong realised that he had overlooked and thus failed to even attempt one entire question valued at 30 out of the Mediation paper's full 100 marks. He panicked and proceeded, within the next three minutes, to copy that candidate's answer to this question into his own script. At 12.14pm, Mr Wong reuploaded and resubmitted his edited script. The SILE's examination rules permitted multiple submissions so long as they were made before 12.15pm, and, in such event, the SILE would take the final script uploaded and submitted as that to be marked. Accordingly, the attempt which Mr Wong put up for the examiners' consideration was that which included the copied answer, in clear breach not only of the examination rules, but also of what should be understood as a basic threshold of honesty. After establishing such misconduct, the SILE issued a notice to Mr Wong under r 12(5) of the Legal Profession (Admission) Rules 2011 (the "2011 Rules") and denied him a pass in the Mediation paper. He was, however, allowed to retake this paper – alongside another which he failed in the ordinary manner – in the 2021 session. As stated at [2] above, he passed the relevant papers at the subsequent sitting.

10 To satisfy myself of the extent of Mr Wong's misconduct, I examined a side-by-side comparison of the answer scripts submitted by Mr Wong and the other candidate. The comparison showed clearly that he had copied the other candidate's answer to the question he overlooked; it also showed that he did not do so for any other question. I further note that Mr Wong never sought the other candidate's permission to copy the relevant answer, and there was also no

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suggestion that the other candidate intended to help Mr Wong cheat in the examination. The other candidate's involvement was therefore no more than the background for Mr Wong's wrongful act, and was not itself to be impugned.

The SILE's investigations

11 When the similarities between the two scripts were discovered, the SILE contacted Mr Wong for an interview, which took place on 17 February 2021. To his credit, Mr Wong was quick to admit his misconduct to the interviewers. He also did not seek to downplay the wrongfulness of his actions and was fully cooperative in providing the SILE with documents relevant to its investigation. He handed to the SILE (a) digital copies of the notes he had prepared for and used during the Mediation paper; (b) digital copies of the two scripts which he submitted at 12.06pm and 12.14pm; (c) the auto-generated acknowledgement emails he had received after making those submissions; and (d) the email from the other candidate attaching that candidate's submitted script. These materials facilitated the SILE's determination of what had happened.

12 Here, I would draw a marked distinction between the ways in which Mr Wong and Mr Leon Tay ("Mr Tay") conducted themselves during the SILE's investigations. As I set out in *Re Leon Tay* at [7]–[10], Mr Tay took the position that he and Ms Lynn Kuek did not collude or communicate during the examination, but, instead, had arrived at substantially identical answers as a result of their use of common study notes. The SILE therefore asked to examine those notes to test the truth of his claim. This, however, was not a smooth and easy process. There was some suggestion that he had altered the study notes he sent to the SILE and had otherwise attempted to hinder its review of such notes (*Re Leon Tay* at [9]). Mr Wong, by contrast, demonstrated remorse and forthrightness in his dealings with the SILE, right from the outset. For this, I

gave him some credit, though this was somewhat diminished by (a) the fact that Mr Wong then wholly failed to disclose this cheating incident in his admissions affidavit; and (b) more problematically, his explanation for such failure. I turn next to this issue.

Non-disclosure in admissions affidavit

13 On 8 March 2022, Mr Wong was notified that he had passed his 2021 resitting of the Part B examinations. Three days later, on 11 March 2022, he filed AAS 100. On 22 April 2022, he filed his admissions affidavit in support of AAS 100, but he made no mention in paragraph 7(j) of this affidavit that the SILE had issued a r 12(5) notice against him under the 2011 Rules in respect of the 2020 Part B examinations and that he had been deprived of a pass in the Mediation paper as a result of his cheating. Paragraph 7, generally, requires applicants to disclose any facts relevant to their suitability to be admitted as an advocate and solicitor. This would include such things as whether they had committed any criminal offences, whether they had been found guilty of any professional misconduct, or whether they had any physical or mental conditions which impair or may impair their ability to practice. Paragraph 7(j) was a catch-all section of the admissions affidavit in which applicants were meant to disclose *any fact* which could affect their suitability to be admitted. Mr Wong's failure to mention anything in this context did not go unnoticed. On 11 May 2022, the SILE contacted Mr Wong and asked that he file a further affidavit disclosing the fact that disciplinary action had been taken against him. Mr Wong complied, and, on 19 May 2020, he filed a supplementary affidavit setting out all events relevant to his cheating in the 2020 Mediation paper ("Mr Wong's Second Affidavit"). The stakeholders did not dispute that the account set out in this affidavit was complete and honest.

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14 However, Mr Wong's Second Affidavit did not explain why, in the first instance, he had failed to disclose even the fact of this incident at paragraph 7(j) of his admissions affidavit. Therefore, on 6 July 2022, the AG's Chambers wrote to Mr Wong asking that he explain, in a further affidavit, his failure to make such disclosure. On 7 July 2022, Mr Wong filed an affidavit providing his explanation ("Mr Wong's Third Affidavit"). He claimed that he genuinely believed that the SILE had forgiven the cheating incident, and, therefore, that it did not need to be disclosed. He referenced three bases in support of this belief:

(a) The first was that the r 12(5) notice only mentioned that he had been deprived of a pass without more, and, further, in the email to which the r 12(5) notice was attached, the SILE also invited him to apply to retake the papers which he had failed. Mr Wong interpreted this situation as the SILE granting him a chance to make good his mistake.

(b) The second concerned the SILE's response to an email Mr Wong had sent on 18 March 2022, after he had filed AAS 100 but before he filed his admissions affidavit. In his email, Mr Wong wrote to the SILE to request its standard certificate confirming, for the purposes of his application to be admitted, that he was a "qualified person" within s 2(1) of the Legal Profession Act (Cap 161, Rev Ed 2009) and that he had fulfilled the requisite training and examination criteria. On 21 and 22 March 2022, the SILE sent two emails to Mr Wong, neither of which contained directions that he was to declare the cheating incident in his admissions affidavit.

(c) The last concerned the widespread media coverage of *Re CTA and other matters* [2022] SGHC 87 ("*Re CTA*") on 18 April 2022, shortly before Mr Wong filed his admissions affidavit. After reading about the nature of the cheating acts of the candidates associated with

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that decision – which seemed to involve collusion across multiple papers – Mr Wong concluded that the SILE had allowed him to retake the Part B examinations and had not directed him to declare his cheating incident because, relative to the misconduct seen in *those* cases, his own was "not as grave". This further contributed to Mr Wong's genuine belief that his misconduct had been forgiven, and, thus, did not need to be declared.

15 The representatives of the AG, the Law Society and the SILE did not accept Mr Wong's explanation, and, at the Hearing, they maintained objections to the non-disclosure of the cheating incident in his admissions affidavit. On this issue, the primary submissions were made by the AG's representative, Mr Jeyendran, who pressed with some force the contention that Mr Wong's non-disclosure revealed at least some dishonesty. This argument was bolstered by Mr Kenneth Lim, the representative for the Law Society, who took me through a page on the Society's website which provides guidance to basic but common uncertainties surrounding the admissions process (www.lawsociety.org.sg/our-community/admissions). These answers, Mr Kenneth Lim argued, should have pointed Mr Wong in the right direction:

> **What do I have to declare in paragraph 7 of my Affidavit of Admission? Examples?**
>
> Please refer to the Second Schedule of the Legal Profession (Admission) Rules 2011.
>
> Examples include the following:
>
> (i) Criminal offences committed in Singapore and overseas
>
> (ii) Academic offences committed in school/university (eg. Collusion, plagiarism, academic malpractice etc)
>
> (iii) Traffic offences
>
> (iv) Littering offences
>
> (v) Offences committed during National Service that resulted in you getting charged (eg. Detention barracks, fines, stoppage of leave etc)

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> (vi) Medical conditions that may affect your suitability to practice (eg. Physical or mental conditions)
>
> *If you are unsure, please declare it.*
>
> **I am not sure if I should declare the offence/condition in paragraph 7? What do I do?**
>
> You are required to make the full 10 declarations without exclusion. *If you are unsure, you are advised to declare it to be safe.*
>
> **I do not think the condition affects my suitability to practise. Can I choose not to declare it in my affidavit?**
>
> It is not up to the applicant to decide on their suitability to be admitted to the bar/to practice. This is up to the relevant stakeholders. *If you are unsure, it is always best to declare.*
>
> Failure to make a declaration may have serious consequences (eg. Such as relevant stakeholders objecting to your admission to the bar)
>
> **What happens when I make a declaration under Paragraph 7 of my affidavit?**
>
> You will be asked to provide more details in the form of a supplementary affidavit and exhibit any relevant documents (eg. Charge sheet, medical report).
>
> For example, if you have declared a medical condition, you will be asked to submit a detailed medical report from your doctor which states that you are fit to be admitted and to practice.
>
> [emphasis added in italics]

16 Having considered the guidance provided by the Law Society, I accepted Mr Jeyendran's and Mr Kenneth Lim's arguments that Mr Wong's non-disclosure was unsatisfactory. While I did not think that the explanation Mr Wong provided to account for his non-disclosure was entirely untruthful (see [14] above), I, equally, was not persuaded that his belief was reasonable in all the circumstances. First of all, apart from the questions and answers set out on the Law Society's website, it bears highlighting that the cover of every question paper for the Part B examinations contained the following instructions:

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> You must not collaborate, consult or communicate with any one or any entity (other than the Institute) in any manner during the Examinations. Anyone who does this (and those who assist them) can expect to be dealt with severely. If you are found to have collaborated, consulted or communicated with any one or any entity in any manner during the Examinations, *you would be required, when seeking admission as an Advocate and Solicitor, to declare the incident in your affidavit of admission as an Advocate and Solicitor, and the Institute may object to your admission as an Advocate and Solicitor.*
>
> [emphasis in italics]

17 In any case, even without these various sources directing Mr Wong to err on the side of caution when it came to making disclosures, it seemed to me that his explanation was more in the vein of wishful thinking than a grounded, reasonable belief, or as he put it, a "genuine belief". In the media coverage of *Re CTA*, it was reported that five of the six applicants were required to retake the papers in respect of which they were denied passes because of their cheating, and the remaining applicant was required to reattend the entire Part B course. In this light, I did not think that the mere fact that the SILE allowed Mr Wong to retake the papers which he had failed was indicative of much of anything, much less forgiveness *specifically* relieving him of any obligation to inform the other stakeholders as well as the court of the cheating incident. The same went for the fact that the SILE did not give any directions on disclosure in its emails on 21 and 22 March 2022 (see [14(b)] above). These struck me as far too thin bases for Mr Wong to have *reasonably* reached the conclusion he did.

18 In fact, I did not think Mr Wong himself fully bought into this belief. In his Third Affidavit, he concluded his explanation for his non-disclosure with the following paragraph:

> From 20–22 April 2022, I started preparing and began drafting my Affidavit for Admission. When drafting my Affidavit for Admission, I came across paragraph 7(j) that required editing. When editing the paragraph, I remember thinking whether I should disclose the cheating incident. At that time, it was my

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> genuine belief in my mind that SILE had indicated that they had forgiven me based on [my explanation] above, and that my cheating incident had hopefully been swept under the rug. I thus foolishly decided not to disclose the cheating incident based on this hope. I wish to say here that my non-disclosure was not with fraudulent intentions. I was not actively thinking with the intention in my mind to purposely deceive anybody, although the result of my actions ended up as deceit. I was frightened by the thought that my legal life would come to an end and desperately wanted to believe that there was still hope for me. I just could not take up the courage to mention my disappointing act again.

This explanation, in my view, spoke for itself.

19 That being said, I did not agree with Mr Jeyendran that Mr Wong's non-disclosure rose to the level of dishonesty. In reaching this conclusion, I took into account the fact that Mr Wong's conduct was distinguishable from that seen in *Re Leon Tay*. There, not only did Mr Tay maintain the false claim that the similarities between his answers and those of Ms Lynn Kuek could be explained by their use of common study notes, he also made deliberately selective and incomplete disclosures notwithstanding the fact that the SILE had specifically directed him to provide enough information to enable all parties concerned to understand the matter (*Re Leon Tay* at [11] and [33]). Mr Wong, by contrast, was candid from his very first interview with the SILE and there was thus no reason to think that he was embarking on a bid to conceal his misconduct dishonestly. Put another way, given his earlier honesty, and the fact that the full extent of his misconduct was known to the SILE – whom Mr Wong must have known could *easily* and likely would inform the other two stakeholders and certainly the court – I did not think that Mr Wong actually believed that he would be able to hide anything. Absent this belief, in the circumstances, I did not think he could be said to have acted dishonestly.

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20 In my judgment, Mr Wong's non-disclosure was more aptly seen as a very bad misjudgement brought about by his misguided and naïve wishful thinking. However, this did not excuse his omission. Having applied his mind specifically to whether disclosure ought to be made (see [18] above), wishful thinking was not a good reason to reach the decision he did. The fact that he decided *not* to disclose the cheating incident thus points to a lack of candour, which all advocates and solicitors, or, applicants seeking to become advocates and solicitors, must strive to avoid. This is *especially* important when it comes to disclosures that are called for when facing up to difficult situations. Hence, in my assessment of SUM 2501, I gave *some* weight to the fact that Mr Wong did not make *any* disclosure in his admissions affidavit.

The appropriate period of Mr Wong's undertaking

21 I next turn to how I weighed the relevant considerations (see [3] above) in arriving at my decision that Mr Wong should undertake for *two years* not to bring a fresh application to be admitted as an advocate and solicitor (see [5(a)] above).

22 The first consideration was the seriousness of his misconduct. In my view, the severity of Mr Wong's act of cheating, despite his "panic", was not to be understated. At the Hearing, I accepted that Mr Wong's misconduct did not appear to be as grave as that, for example, seen in *Re Leon Tay*. After all, apart from what is set out at [8] above, Mr Wong did not communicate improperly with anyone during the Mediation paper with a view to cheating; nor was there collusion in his case. However, these differences should not trivialise the severity of Mr Wong's misconduct. In and of itself, such misconduct betrayed a fundamental disregard for doing what was plainly right. Even in his panic, it should never have crossed Mr Wong's mind to do what he did. The most that

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can be said in his favour is that his misconduct followed from a snap judgment which was acted upon within a span of just two or three minutes. But this did not weigh meaningfully as a mitigating factor in my assessment of Mr Wong's character issues. The practice of law is dynamic, often stressful, and frequently fast-paced. There are numerous circumstances in which lawyers need to make decisions quickly, and even these must be made with honesty, care and due diligence. And, while there is at least a logical nexus between time-pressure and lack of care, it should *never* be difficult for a lawyer faced with the need to make a quick decision to do so honestly.

23 The snap decision Mr Wong made in his panic simply displayed his willingness and capacity to cheat when placed under pressure. I also found it troubling that, when pressed to the wall, Mr Wong was willing to appropriate the work of another as his own without even seeking that other person's permission. This pointed to a lack of respect or regard for others and also suggested a quite serious character defect, which, in my view, would require some time to address.

24 The second and third considerations (see [3] above) have been discussed at [11]–[20] above. I shall not restate my analysis and, here, it suffices for me to draw my earlier discussion to a close. As stated at [12], I gave some credit to Mr Wong for his candour with the SILE during its investigations, but I was also acutely mindful of the non-disclosure in his admissions affidavit. On the whole, I took the view that these circumstances were more revealing of character issues than they were not. This therefore did affect my assessment of SUM 2501 to some degree.

25 Finally, in respect of the fourth and fifth considerations (see [3] above), Mr Goh Pek San ("Mr Goh") of P S Goh & Co – Mr Wong's supervising

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solicitor during his practice training – came forth to attest to Mr Wong's regret and remorse, his generally good character, as well as his willingness to work on his faults. Mr Goh also stated that he would continue to supervise Mr Wong as a mentor and a senior member of the profession. I was aware that Mr Wong did not give evidence on the steps he had taken or planned to take, so as to work on the character issues which he identified in himself. However, I did not hold this against him. Mr Wong was not specifically asked to provide such information, and, given the relative novelty of these types of cases, I did not think it would have been fair to expect this as a matter of course. I trusted that, by working with Mr Goh as a mentor, he would be able to devise a thoughtful and productive plan. However, it may be noted that such information may be helpful to a court faced with such issues in the future.

26 Drawing all of these considerations together, Mr Goh submitted at the Hearing that it was sufficient for Mr Wong to undertake not to bring a fresh application to be admitted for a period of up to one and a half years. This was consistent with the position taken by Mr Kenneth Lim for the Law Society. The SILE took no position. Mr Jeyendran, however, submitted that a term of four years was necessary. I considered this to be unduly lengthy. The AG accepted that there was no collusion or premeditation, and, as I have explained above, the fact that Mr Wong failed to disclose his misconduct in his admissions affidavit needed to be seen in the light of his candour with the SILE in the first discussion.

27 In the face of the AG's submission, I should reiterate that the objective of deferment in *admissions* cases is not punitive. A defined period of deferment serves two purposes from two different perspectives. From the perspective of the applicant, it is a clear timeframe within which they should aim to resolve any and all character issues which their misconduct reveals. Accordingly, when an applicant proposes a period of time, that proposal needs to be realistic, not

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overly optimistic. From the perspective of the stakeholders, it is a period of time at the end of which they should have confidence that the applicant *can*, with best efforts, return with whatever that is necessary to renew trust in their suitability to be admitted. The stakeholders should be forthcoming with guidance and advice to aid in this process of rehabilitation. They also need to be balanced in this regard. It is their duty to protect the public interest by identifying individuals who are not suited to be admitted. However, in doing so, they should not take an unduly pessimistic view of applicants who have erred. Young men and women who have made a mistake should be encouraged to learn from this and to emerge better and stronger. The task of the court in this context is to find the right balance between views that are too optimistic and those that are too pessimistic.

28 In these premises, I determined that a period of not less than two years was necessary. This was not an insubstantial period, and, in my judgment, it was justified by three factors in particular. The first was the severity of Mr Wong's act of cheating as I have explained at [22]–[23] above. The second was the fact that he appropriated and passed off the other candidate's work as his own. These factors signified not only a lack of integrity, but, as I have noted, a lack of respect for the efforts of others. The last was his total failure to make any disclosure in his admissions affidavit. As stated, I did not construe this as an omission driven by a dishonest intent to conceal. However, it nevertheless displayed a lack of moral courage and candour on his part; courage and candour which he ought to have maintained resolutely from his first interview with the SILE.

29 Mr Wong will do well to use these two years to reflect upon and to identify the sources of and solutions to the specific character faults underlying these aspects of his misconduct. With such reflection, I believe he will likely be

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able to work through these issues effectively, to enable him to return – if he so wishes – with a fresh application in respect of which the stakeholders and this court can have confidence.

Ms Ong Jia Yi Joleen, Mr Lim Zi Yi and Ms Annabelle Au Jia En

30 I turn next to my decisions in respect of the applications to withdraw AAS 121, 124 and 125.

(a) AAS 121 concerned Ms Ong Jia Yi Joleen ("Ms Ong") and her withdrawal application was HC/SUM 3008/2022 ("SUM 3008"). At the Hearing, I allowed SUM 3008 subject to the Conditions of Withdrawal (see [5] above), save that the period determined to be suitable for her to undertake not to bring a fresh application to be admitted, was *three years* from 26 August 2022, the date of my decision.

(b) AAS 124 and 125 concerned Mr Lim Yi Zi ("Mr Lim") and Ms Annabelle Au Jia En ("Ms Au"). Their applications for withdrawal were HC/SUM 3009/2022 ("SUM 3009") and HC/SUM 3010/2022 ("SUM 3010") respectively. I allowed SUMs 3009 and 3010 subject to the Conditions of Withdrawal and determined that the periods for which they should, appropriately, undertake not to bring fresh applications were *one year* in respect of Mr Lim and *nine months* in respect of Ms Au. Both these periods were also to run from 26 August 2022.

31 I now explain how I determined these to be the suitable periods.

General background

32 Ms Ong and Mr Lim attended the same university but were, at the time, only somewhat acquainted. They got to know each other better after graduating

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and returning to Singapore to sit for the Part A examinations, also administered by the SILE. Ms Ong and Ms Au were not from the same university but met whilst interning at a law firm. The three became friends and were part of the same study group for the Part B examinations. This group initially included several other candidates but, at some point, Ms Ong, Mr Lim and Ms Au decided that it would be more effective for them to work in a smaller group. They therefore formed their own study group of just three.

33 In this smaller study group, the trio focused on the preparation of what I will refer to hereafter as "stock answers". These are prepared paragraphs – typically of generic material such as, for example, statements of the law or principles applicable to a specific area – which they could copy and paste into their answer scripts. This served, they explained, to alleviate some time-pressure from having to retype such material in full. It should be noted that this practice was permitted during the 2020 session of the Part B examinations because candidates were not required to use dedicated testing software which precluded copying and pasting into and from the application. Candidates' scripts were Microsoft Word documents which, as mentioned, they submitted through the SILE's website (see [7] above). On the face of the materials placed before me at the Hearing, there was some uncertainty as to whether this practice was against the SILE's examination rules, especially in cases where two or more candidates' scripts turn up similarities because they used a *common set* of stock answers. I therefore pressed the SILE's representative, Mr Avery Chong ("Mr Chong"), to clarify this.

34 Mr Chong, after taking instructions, confirmed two points. First, it was not against the 2020 examination rules for candidates to copy and paste answers in this manner into their scripts. Second, he confirmed that candidates were also not precluded from using *common* stock answers so long as they did not

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communicate during the examination. Thus, where similarities were observed between two candidates' scripts, a review of those scripts would be conducted by the SILE to determine whether they were of such nature and extent that they could fairly be explained by the candidates' use of common stock answers, *or* whether it was more appropriate to infer that the candidates must have communicated during the examination in arriving at their similar answers. Such a review, of course, would only be necessary in cases where the candidates maintained that any similarities between their scripts were to be explained by their use of common stock answers, and not by reason of any wrongful communication. As I will turn to explain from [44] below, the clarification that candidate were not precluded from using common stock answers was of *great* significance.

35 For now, however, I return to the study group of these three candidates. Their study sessions took place during the height of the pandemic, and so they used an online communication platform called "Discord" to meet virtually. Ms Ong, Mr Lim and Ms Au each explained that they did *not* create their Discord channel with a view to collaborating or colluding during the examinations. It was only intended to be a platform for hosting discussions in the course of their preparations. However, for reasons which were not made clear either in their affidavits or at the Hearing, Ms Ong and Mr Lim had left the Discord application running on their respective computers *during* at least two papers of the Part B examinations: Mediation, and Ethics and Professional Responsibility ("Ethics"). Ms Au had also done so at least during the Ethics paper. This was despite the clear instruction to candidates that communicating during the examination was not permitted (see [16] above), and, therefore, in the absence of any reason for them to have left such applications running during the two-hour and 15-minute window of each paper, one could have construed this as an indicator of possible premeditation.

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36 As I will explain in greater detail momentarily, Ms Ong and Mr Lim admitted to communicating during the Mediation paper in breach of the examination rules, and all three of them admitted to communicating during the Ethics paper. However, they maintained before me that such communications were spontaneous, not premeditated, and had been triggered by Ms Ong's panicked calls for assistance. The stakeholders did not suggest that these explanations were untruthful, and there was nothing that objectively suggested that Ms Ong, Mr Lim and Ms Au, by the time they appeared before me at the Hearing, had not put forth complete and honest accounts of their misconduct. There was, accordingly, no basis for me to view the fact that they had left the Discord application running during the examination as indicative of an intention to communicate and cheat beforehand. I therefore gave them the benefit of the doubt and put it down to inadvertence on their part.

The admitted cheating incidents

37 With the general background set out in some detail, the trio's admitted cheating incidents can be stated more briefly. First, on 25 November 2020, between 10am and 12pm, Ms Ong attempted most of the Mediation paper by herself in accordance with the SILE's examination rules. However, she was unable to complete a part of the final question carrying ten marks of the paper's total 100 marks. Faced with this, Ms Ong claimed that she panicked and contacted Mr Lim on Discord. In her panic, she requested that he send her his answer to that question. When he obliged, Ms Ong proceeded to copy his entire response before submitting her script through the SILE's website. As before (see [10] above), I reviewed the side-by-side comparison between their scripts and was satisfied that this was the extent of her copying.

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38 Unbitten the first time, Ms Ong seemed twice emboldened. The Ethics paper was held on 1 December 2020, also between 10am and 12pm. Due to certain technical faults with the SILE's website, the Ethics paper was released approximately ten minutes late. Ms Ong explained that this put her in a state of panic and anxiety for the entire paper. She also claimed that she did not realise the SILE had extended the paper by 15 minutes on account of the delayed release. Thus, near what *she thought* was the end of the Ethics paper, Ms Ong contacted Mr Lim and Ms Au on their Discord channel, pleading that they help her by, once again, providing their answers to the questions she had not even attempted. They obliged, and, as with the Mediation paper before, Ms Ong then submitted her script for the Ethics paper with answers copied wholly from her peers. The irony of such misconduct in the context of the *Ethics* paper was palpable.

39 My review of the side-by-side comparison of the trio's Ethics scripts, however, was not particularly fruitful. It emerged from the accounts I was given that Ms Ong's script had 18 blocks of texts which matched Mr Lim's script and 44 blocks which matched Ms Au's script, with an overall similarity of around 78%. Ms Ong, Mr Lim and Ms Au each attempted to account for *some* matching blocks by reference to their common stock answers. This was not helpful as far as I was concerned. Without access to their stock answers (which had not been exhibited), there was little I could do to determine the extent to which Ms Ong copied Mr Lim's and Ms Au's answers. Further, although they each were able to correlate some of the matching blocks to their individual stock answers, there were conspicuous gaps in their accounts. In respect of the matching blocks numbered 1, 2, 4–9, 19, 23, 24, 27 and 29, all three applicants could point to a location in their notes from which the block was lifted. However, for the block numbered 33, for example, Ms Ong could point to a place in *her* notes, but Mr Lim and Ms Au were unable to do the same; in respect of the block

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numbered 30, Mr Lim was unable to point to a location in his notes, although Ms Ong and Ms Au were able to; and, as regards the block numbered 21, only Mr Lim was able to account for the block by reference to his notes. These are only illustrations.

40 This uncertainty was not satisfactory. In so far as Ms Ong's character issues were concerned, the extent of her copying was, in my view, relevant. Just as a willingness to cheat in *multiple* papers could be indicative of a more serious character defect than a willingness only to cheat in one, the capacity to copy *more* of her peers' answers could have given rise to a similar inference in respect of Ms Ong. In fact, in Ms Ong's case, the inference could have gone beyond this. Her evidence was that she had contacted Mr Lim and Ms Au close to the end of the examination to plead for their assistance. If, however, the extent of her copying was far greater than would be expected in such a situation (contrast, for example, Mr Wong's and her copying in respect of the Mediation paper: see [10] and [37] above), the veracity of her explanation may come into doubt. To resolve this uncertainty, at the Hearing, Ms Ong's, Mr Lim's and Ms Au's lawyers were directed to take instructions and assist me.

41 Before turning to their clarifications, for completeness, it should be noted that the Ethics paper comprised two questions with three parts each, namely, questions 1(a), 1(b), 1(c), 2(a), 2(b) and 2(c). Candidates were required to attempt and pass both questions, to pass the paper as a whole. Each part was not allotted a mark *per se*, but candidates were advised to complete each part within a certain amount of time, thus denoting the weight of that question in the scheme of the paper. Candidates were advised to take 20 minutes for each part of the first question, but 22, 14 and 24 minutes in respect of questions 2(a), 2(b) and 2(c) respectively. Counsel for Ms Ong, Mr Devadas Naidu ("Mr Naidu") told me that his client recalled copying Mr Lim's and Ms Au's answers in

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respect of questions 1(c) and 2(a), which constituted slightly more than a third of the whole Ethics paper. Counsel for Mr Lim, Ms Shobna Chandran ("Ms Chandran"), and for Ms Au, Mr Peter Ong ("Mr Ong"), confirmed that their clients did not have a different recollection, and the stakeholders also did not enter an objection to this clarification.

42 In the circumstances, although such clarification was not provided under oath, I proceeded on this basis and did not make more of the fact that Ms Ong's script for the Ethics paper seemed to disclose a greater degree of similarity with Mr Lim's and Ms Au's scripts than one part of each of the two questions. In short, I gave Ms Ong the benefit of the doubt on the seemingly greater degree of similarity and did not take it into account in determining SUM 3008.

43 This is all that needs to be said of the circumstances of the trio's cheating incidents, and their accounts thereof. It is important, however, in looking at the sum of these incidents, to note that Ms Ong, on both occasions, was the sole trigger for the wrongful communications, and, also, the only person who benefitted from such communications. This is not to trivialise Mr Lim's and Ms Au's willingness to indulge Ms Ong's obviously dishonest requests, but, for now, the severity of *their* conduct is a matter which can be put aside. I will return to it (at [69]) below. In any event, as a result of their misconduct, the SILE issued notices under r 12(5) of the 2011 Rules to all three applicants. Ms Ong and Mr Lim were denied passes in respect of the Mediation paper, and all three were denied passes in respect of the Ethics paper. As mentioned at [2] above, they were allowed to retake these papers, and, upon doing so during the 2021 session of the Part B examinations, they passed.

The SILE's decision on the Criminal and Civil Litigation papers

44 This brings me to an area which gave rise to some factual difficulty.

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45 Apart from the two papers discussed above, Ms Ong, Mr Lim and Ms Au were all also denied passes in respect of the Criminal Litigation Practice ("Criminal Litigation") paper. Unlike the Mediation and Ethics papers, however, there was some lack of clarity as to how the SILE reached its conclusion that the trio had also cheated in this paper. This lack of evidential certainty, as I alluded to at [4] above, affected my ability to properly assess the character issues that this gave rise to.

46 Ms Ong's, Mr Lim's and Ms Au's scripts to the Criminal Litigation paper turned up 50 matching blocks and revealed an overall similarity of around 70%. When the SILE questioned them about this, they each explained that they did not communicate during the examination and that the similarity could be explained by their use of a common set of stock answers that they had prepared together. They did not, at any point, change their account, which was maintained even before me at the Hearing. As I mentioned at [34] above, the SILE accepted that similarities resulting from the use of common notes or prepared answers were not prohibited. The similarities needed to be of such character and extent that they gave rise to the inference that the candidates must have communicated or collaborated *during* the examination to amount to cheating.

47 By denying Ms Ong, Mr Lim and Ms Au passes in respect of the Criminal Litigation paper, the SILE evidently did not accept their explanation premised on the use of common stock answers and considered that the inference of improper communication could appropriately be drawn. Indeed, in letters sent to each of the three applicants on 8 April 2021, inviting them to show cause under r 11 of the 2011 Rules, the SILE stated that it had found that their scripts contained numerous blocks of identical or almost identical text which included common errors as well as question-specific factual analysis which could not have been prepared beforehand. After consulting the subject coordinator for the

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Criminal Litigation paper, the SILE determined that the three candidates could not be given the benefit of the doubt, and, as with the Mediation and Ethics papers, they were also denied passes in Criminal Litigation.

48 By itself, there was nothing to suggest that this conclusion was unsound. However, confusion arose from the fact that Ms Ong, Mr Lim and Ms Au stood in a similar position in relation to the Civil Litigation Practice ("Civil Litigation") paper. In respect of this paper, the SILE had identified 71 matching blocks, with an overall similarity of about 78%. This was greater than that which had been identified in respect of the Criminal Litigation paper, and, indeed, the SILE had *also* observed that the applicants' matching blocks of text in the Civil Litigation paper were of the type which could not have been prepared beforehand. *Yet*, after consultation with the subject coordinators for the Civil Litigation paper, it concluded that the candidates could be given the benefit of the doubt. The three applicants were therefore not denied passes in this paper.

49 I was unable to understand this, and the SILE did not put forward any material at the Hearing to explain why the papers were treated differently. Once again, the SILE accepted that similarities resulting from the use of common notes alone, without communication or collaboration during the examination, were not wrongful. This presumably accounted for the SILE's decision in respect of the Civil Litigation paper. However, I was not told of any basis for the SILE to arrive at the opposite conclusion in respect of the Criminal Litigation paper. On the contrary, the material before me at the Hearing suggested strongly that they should have *both* been decided in the same way. Without more information, I could not conclude whether the SILE was being lenient in respect of the Civil Litigation paper or harsh in respect of the Criminal Litigation paper.

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50 This was crucial. If I had preferred the former view, the logical import was that Ms Ong, Mr Lim and Ms Au were lying about the nature and extent of their misconduct. In fact, the conclusion would not merely be that they had been less than forthcoming; all three applicants maintained their positions in the affidavits they filed for the purposes of SUMs 3008, 3009 and 3010. Therefore, to prefer the former view was also to conclude that the trio had each lied under oath. There was, in my view, no material before me which could justify my arriving at such a damning conclusion. At the Hearing, Mr Jeyendran initially disagreed with this, and pressed the opposing view. He referred to the fact that Ms Ong, Mr Lim and Ms Au had each accepted the SILE's decision. Therefore, he suggested, it did not lie in their mouths now to contend that they did not cheat in the Criminal Litigation paper. This did not persuade me.

51 I was mindful that the applicants did not challenge the SILE's decision, for example, by commencing judicial review proceedings to obtain a Quashing Order. However, it was one thing for the applicants *not* to dispute and, in that sense, to accept the SILE's *decision*. It was another thing entirely for them to admit to misconducting themselves in a manner which would have revealed deep and serious character flaws. Ms Ong, Mr Lim and Ms Au *did not*, at any point, accept or admit that they had communicated or colluded during either the Criminal or Civil Litigation papers. Their acceptance of the SILE's decision to deny them of passes in respect of the Criminal Litigation paper could not be read as a concession that they *had* in fact communicated or colluded. On the contrary, it was, in my view, a fair position for them to have taken. As I pointed out to Mr Jeyendran at the Hearing, it was not unreasonable for applicants seeking admission to choose not to initiate judicial review proceedings against one of the three stakeholders charged with overseeing their admission to the profession. When the point was put in this way, Mr Jeyendran accepted that, given the absence of material from which I could discern the basis on which the

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SILE distinguished between the two papers, I should disregard the fact that the applicants were found to have cheated in the Criminal Litigation paper. Mr Kenneth Lim and Mr Chong also agreed that this was the appropriate course to take.

52 To be clear, this did not call into question the legitimacy of the SILE's decision. These were not judicial review proceedings. The SILE's decision was only being disregarded for a *very specific purpose*. As I explained at [3] above, the sole question to be determined in cases like these is whether the applicant is suitable to be admitted in terms of her character. Without a clear explanation on how the SILE arrived at its decision in respect of the three applicants' Criminal and Civil Litigation papers, I was simply not in a position to conclude from the SILE's decision alone, that the trio had not only communicated and colluded during the Criminal Litigation paper, but that they had, until the Hearing, maintained a blatant lie about the extent of their wrongdoing.

53 I should also make clear that I am not criticising the SILE for the lack of information. By way of background, at a case management conference held on 15 July 2022, Assistant Registrar Karen Tan directed the SILE to decide whether they were willing to disclose the Student Disciplinary Committee's ("SDC") internal report on the decision, assuming one existed. On 29 July 2022, the SILE informed the court that the SDC had indeed prepared a report, but that there were confidentiality concerns. Thus, the SILE declined to adduce the report for my consideration. No particular factual or legal bases for the confidentiality concerns were raised. Counsel for Ms Ong, Mr Lim and Ms Au did not push for its disclosure, and, at the Hearing, Mr Chong suggested that the report was unlikely to contain any information which would have been probative of this specific issue.

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54 For these reasons, I did not give any weight to the fact that the SILE deprived Ms Ong, Mr Lim and Ms Au of passes for the Criminal Litigation paper, in assessing the character issues faced by these candidates.

Compliance and non-compliance with the SILE's investigations

55 After the SILE discovered the similarities between Ms Ong's, Mr Lim's and Ms Au's scripts in various subjects, Ms Ong was not immediately cooperative with its investigation. She was first interviewed by the SILE on 15 February 2021. During this interview, she was asked about the Ethics, Criminal Litigation and Civil Litigation papers but she denied communicating with Mr Lim and Ms Au. At this point, she was not asked about the Mediation paper, and she did not volunteer any information. After the interview, Ms Ong was directed to provide written representations within 24 hours. In her representations, she set out detailed references to her study notes. These references were to common stock answers she, Mr Lim and Ms Au used, and were intended to account for the similarities between her answers in the Criminal Litigation, Civil Litigation and Ethics papers and those of Mr Lim and Ms Au.

56 In these representations, however, Ms Ong said nothing about the fact that she had communicated with Mr Lim during the Mediation paper, or that she had communicated with both Mr Lim and Ms Au during the Ethics paper. On Ms Ong's account, she omitted such explanation in respect of the Ethics paper because she had realised that there was simply no explanation for the similarities between hers, Mr Lim's and Ms Au's answers to the Ethics paper, and, thus, she was "planning to confess to [the] SILE [at her] second interview", which was scheduled to take place on 17 February 2021. Her affidavit did not provide an account of her intentions in respect of the Mediation paper.

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57 I did not believe Ms Ong. If she had indeed arrived at the realisation that there was no valid explanation for the similarities observed in respect of hers, Mr Lim's and Ms Au's Ethics papers, there was no good reason for her to *entirely* omit an admission in respect of the Ethics paper. If she preferred to admit to her misconduct more fully in person, she could and should still have indicated to the SILE in writing that there was a confession to be made. In any event, irrespective of why Ms Ong omitted to admit her misconduct in the Ethics paper, the tenor of Ms Ong's affidavit suggested more that she realised that she had *no choice* but to admit her mistake since there was no good explanation for the similarities observed in the Ethics paper. On the whole, it did not seem to me to be a case of her reaching the conclusion that the *right* thing to do was to admit her misconduct in full. This construction of her affidavit was supported by the fact that, at the second interview with the SILE, Ms Ong did not admit her misconduct in respect of the Mediation paper of her own initiative. She only did so when she was *asked*. Indeed, as I observed above, Ms Ong did not even state in her affidavit that she had intended to admit her misconduct in respect of the Mediation paper at the second interview with the SILE. This suggested to me that any candour she displayed at this time was not underpinned by honesty or remorse, but rather reflected a degree of tactical realism. Accordingly, though I was mindful that Ms Ong was, from 17 February 2021, honest in her dealings with the SILE, I did not give her credit for her admissions. On the contrary, I found that her initial lack of candour was dishonest and revealing of a character defect.

58 This was in stark contrast with the conduct of her peers, Ms Au and – in particular – Mr Lim. They were both forthright from the very outset of their dealings with the SILE. In fact, when Mr Lim was first interviewed by the SILE, he had not been asked about the similarities between his and Ms Ong's scripts for the Mediation paper. Yet, he brought it up of his own accord and informed

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the SILE of what had happened. I regarded this as an encouraging sign of his character.

Incomplete disclosure in their admissions affidavits

59 The final issue which needs to be addressed, before I turn to my reasoning in respect of the periods of Ms Ong's, Mr Lim's and Ms Au's undertakings, was the fact that they did not provide full disclosure in their admissions affidavits. Unlike Mr Wong, they did at least disclose the fact that they had been found by the SILE to have breached the rules of the 2020 Part B examination, though they did not elaborate on the circumstances of their wrongdoing. The extent of their disclosures was as follows:

> **Ms Ong's admissions affidavit**: As I had contravened the Rules of the Part B Examinations, I was issued a Notice under Rule 12(5) of the Legal Profession (Admission) Rules 2011 on 22 June 2021. This was issued by the Singapore Institute of Legal Education. As a consequence, I was deprived of a pass in Part B of the Singapore Bar Examinations 2020, in Criminal Litigation Practice, Ethics and Professional Responsibility and Mediation. I was allowed to retake those subjects in the Singapore Bar Examinations 2021 and have since passed them. I have deeply regretted my actions during the 2020 examinations and have learnt my lesson from this incident. I hope to be given a second chance and be allowed to be called to the bar.
>
> **Mr Lim's admissions affidavit**: On 22 June 2021, l was given notice under Rule 12(5) of the Legal Profession (Admission) Rules 2011 by the Board of Directors of the Singapore Institute of Legal Education depriving me of a pass in the Criminal Litigation, Ethics and Professional Responsibility and Mediation Advocacy papers pursuant to Rule 12(1)(d) of the Legal Profession (Admission) Rules 2011, as I was found to have breached the Examination Rules of the Singapore Institute of Legal Education. I had admitted my mistake in the first instance during my representations to the Singapore Institute of Legal Education. In my representations to the Dean of the Singapore Institute of Legal Education, I had informed her that I would like to be availed the opportunity to retake my papers and rectify my mistake. I was allowed to retake and have since passed the abovementioned papers in Part B of the Singapore Bar Examinations 2021. I have taken the past two years to reflect

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> and am extremely remorseful and regretful of my actions. It has been my lifelong dream to practice law in Singapore, and I am grateful for the opportunity to retake my papers and to have passed them. It is my sincere hope to be called to the Bar to fulfil this dream.
>
> **Ms Au's admissions affidavit**: The Singapore Institute of Legal Education deprived me of a pass in Criminal Litigation Practice and Ethics and Professional Responsibility in Part B of the Singapore Bar Examinations 2020 after giving me notice under r 12(5) of the Legal Profession (Admission) Rules 2011. The Singapore Institute of Legal Education allowed me to retake the examinations for the said subjects in 2021 and I have attained a pass for them. I am truly regrettable and remorseful for running afoul of the examination regulations, and hope to be given a second chance to be called to the bar.

60 As with Mr Wong (see [15] above), the representatives of the AG, the Law Society and the SILE all took issue with the fact that the trio had not made *full* disclosures in their admissions affidavits. The explanations which Ms Ong, Mr Lim and Ms Au provided for their lack of full and frank disclosure were, however, in my view, reasonable. They claimed to have believed that they were only required – in their admissions affidavits – to make *general* declarations. They were under the impression that, subsequently, the stakeholders would then direct them to provide any necessary supplementary affidavits to explain those general declarations. They relied on the following guidance provided on the Law Society's website (see [15] above):

> **What happens when I make a declaration under Paragraph 7 of my affidavit?**
>
> *You will be asked to provide more details in the form of a supplementary affidavit and exhibit any relevant documents* (*eg.* Charge sheet, medical report).
>
> For example, if you have declared a medical condition, you will be asked to submit a detailed medical report from your doctor which states that you are fit to be admitted and to practice.
>
> [emphasis added in italics]

61 Further, the three applicants also submitted that they took this view because, by the time they filed their admissions affidavits, the SILE was already fully aware of their misconduct. Thus, the applicants argued, they were not expecting to conceal this fact, nor were they even attempting to do so.

62 I accepted their explanation. It seemed most improbable to me that they were setting out to conceal their misconduct given that they had: (a) made at least *some* declaration in their admissions affidavits; and (b) already admitted such misconduct to the SILE. As I suggested to Mr Jeyendran at the Hearing, I viewed these as cases of poorly drafted affidavits rather than cynical ones. In my assessment of the appropriate periods of their respective undertakings, I therefore attributed no weight to their failure to disclose all the facts in their initial admissions affidavits.

The appropriate period to be undertaken by the three applicants

63 Having analysed all the considerations relevant to Ms Ong's, Mr Lim's and Ms Au's cases, I now turn to how I weighed these factors in arriving at my decision that they should undertake, respectively, for *three years*, *one year*, and *nine months*, not to bring fresh applications to be admitted as advocates and solicitors (see [30] above).

64 I begin with Ms Ong. First, as regards the severity of her misconduct (see [3] above), I reiterate what I have said at [22]–[23] above, in relation to Mr Wong. Again, the seriousness of dishonest conduct, even if it flowed from a state of panic, cannot be understated. Indeed, Ms Ong *chose* to consult her fellow candidates not once, but *twice*. Had she realised her mistake after the Mediation paper and not repeated it, perhaps, it could at least have been suggested that her misconduct was reflective of *an* instance of abysmally bad decision-making (though this would not have been mitigating, for the reasons I

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articulated in respect of Mr Wong at [22] above). However, the fact that it happened again, during her *Ethics* paper no less, makes such an optimistic view of her character flaws quite untenable.

65 Next, in respect of the second and third considerations (see [3] above), I would simply repeat [55]–[57] and [59]–[62] above. That said, I should also add that, though I thought that Ms Ong's lack of initial candour was revealing of at least some character faults, such faults did not rise to the level of Mr Tay's faults in *Re Leon Tay*. Ms Ong did, after all, admit the facts by the time of her second interview with the SILE; by contrast, Mr Tay was not completely forthcoming until the hearing before me, when he accepted that he was not a fit and proper person to be admitted, and when his counsel suggested that having regard to all the circumstances, the undertaking in question should be for a period of five years. It was only at that stage that the fact of cheating was no longer in issue.

66 Finally, in the affidavit Ms Ong filed in support of SUM 3008, she also set out volunteering activities in which she had been engaged since the cheating incidents and other activities which she planned to undertake to develop her character. Mr Naidu, Ms Ong's supervising solicitor during the period of her practice training, also stated that he would continue to mentor her.

67 At the Hearing, Mr Naidu suggested that the appropriate undertaking for Ms Ong should be for a period between two and two and a half years. Mr Kenneth Lim submitted that it should be for a period of three years. He assessed Ms Ong's character issues as suggestive of an even deeper concern than Mr Wong's for largely the same reasons set out at [64]–[65] above. Mr Jeyendran for the AG submitted that the term should be for a period of four years.

68 I agreed with Mr Kenneth Lim. On my assessment, Ms Ong's conduct revealed more serious character issues than those observed in Mr Wong's case, though, as I stated above, they did not rise to the level of that displayed by Mr Tay. Accordingly, I found that an undertaking period of three years was suitable. This should afford Ms Ong time to reflect on and address the character issues that have been disclosed.

69 Next, I turn to Mr Lim's and Ms Au's cases. The essence of their misconduct was, to put it simply, their willingness to oblige Ms Ong and accede to her obviously improper requests. In my judgment, this was revealing of a different, slightly narrower sort of character flaw than that which could be gleaned from the misconduct of Mr Wong and Ms Ong. While improper in its own right, it was more specifically suggestive of a certain lightness with which Mr Lim and Ms Au treated the importance of the unwavering integrity and honesty expected of legal professionals, particularly in upholding general and institutional standards of conduct.

70 Whilst they did not benefit from their misconduct, it did not seem to cross Mr Lim's and Ms Au's minds that the notions of integrity and honesty extend beyond personal gain, and encompassed a broader respect for systems, institutions, and, more importantly, the standards of the profession as a whole. This may appear rather abstract, but the importance of this broader view of integrity and honesty should not have been lost on Mr Lim and Ms Au. On the cover of each question paper administered during the Part B examinations, candidates were instructed as follows:

> You are responsible for safeguarding the integrity of your answers and to that end, you must ensure that during the Examinations you (i) are not in close proximity with another person or persons such that your answers may be seen; and (ii) take all appropriate measures such that only you may see and have access to your answers.

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71 At the Hearing, Mr Jeyendran suggested that, although the nature of Ms Ong's misconduct was distinct from that of Mr Lim and Ms Au, the misconduct of the latter two was, nevertheless, equally severe. Or, as he put it, there was no difference between Ms Ong's conduct in *asking* for answers, and that of Mr Lim and Ms Au in *giving* the answers.

72 I rejected this submission. In my view, Mr Lim's and Ms Au's misconduct was, plainly, less serious. One who asks for improper help in an examination is more culpable because she is the initiator of the whole course of improper conduct which follows. And, in initiating such course of improper conduct, she both seeks to advance her own interest and undermines broader institutional interests. Those who respond lack the former motivation. Whilst it is crucial for lawyers to protect the integrity of legal institutions, disregard for the integrity of an examination cannot be said to be as severe as disregard for such integrity *in furtherance of one's own interests*. There are, in this light, clearly additional layers to Ms Ong's misconduct beyond that of Mr Lim and Ms Au. Furthermore, she who asks also unfairly puts those asked in an unenviable position, particularly when there are, in an examination, time and other pressures.

73 Therefore, in so far as Mr Lim and Ms Au were concerned, I found that their misconduct did not reveal character issues which were as severe as that revealed by Ms Ong's misconduct. Furthermore, in determining the appropriate periods of their undertakings, I was mindful of (a) the fact that they were, from the outset, wholly forthcoming with the SILE; and (b) the details they provided in their respective affidavits setting out volunteer works which they had taken up and had planned. Drawing these factors together, Ms Chandran, for Mr Lim, submitted at the Hearing that the term for him should not exceed one year. This was also Mr Ong's position for Ms Au. Mr Kenneth Lim, for the Law Society,

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suggested two years, while Mr Jeyendran suggested three years. The SILE did not take any position.

74 At the Hearing, Mr Jeyendran explained that the AG had taken the view that Ms Ong, Mr Lim and Ms Au had communicated and collaborated in respect of the Criminal Litigation paper. However, this did not take into account the reasons why I did not give weight to the SILE's decision in respect of the Criminal Litigation paper (as stated at [44]–[54] above). It followed that the period proposed by Mr Jeyendran could not be accepted.

75 In these premises, I considered that for Mr Lim, a period of one year was appropriate. As regards Ms Au, given that she had only assisted Ms Ong with one instead of two papers, a shorter period of nine months was appropriate. As I explained at [27] above, the period for which an applicant is required to undertake not to bring a fresh application is reflective of the time which they will, realistically, need to work out their character issues. *Realistically*, I was optimistic that Mr Lim and Ms Au would be able to work through their character faults in a shorter period of time. However, I caution that they should not view the relatively shorter period of their respective undertakings with lightness.

Conclusion

76 Mr Wong, Ms Ong, Mr Lim and Ms Au may wish, at some point, to return with fresh applications to be admitted as advocates and solicitors. Before then, the former two of them will need to learn, above all, that there is far greater honour and dignity in accepting rightful failure than in grasping for undeserved success. The latter two must learn not to go to the aid of others, no matter how familiar, how close, or how sympathetic the cry for help might be, if such aid can only be provided in sacrifice of one's integrity and principles. The virtues

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which underlie these precepts should be evident, and, in fact, it should be *painfully obvious* why, in an advocate and solicitor's relationship with the court, with her opponents, and with her clients, these are some of the most fundamentally important principles from which an honourable member of this profession must never stray.

77 Having so strayed, however, I hope that Mr Wong, Ms Ong, Mr Lim and Ms Au will put in the work to regain the confidence that has been lost. This will require time and effort, but if approached with care, thought and intent, it will be fruitful. They should do their best to engage in consistent reflection, but also turn to mentors in the profession for guidance. Difficult lessons, especially about oneself, need to be learnt from within, but they do not need to be learnt alone. I was heartened to see that senior members of the Bar had come forth as mentors to these four applicants. Mr Goh stepped forth in respect of Mr Wong, Mr Naidu in respect of Ms Ong, Mr Ong in respect of Ms Au, and I note that unnamed mentors have also been in contact with Mr Lim. In time, I hope that the applicants – with guidance and mentorship – will find ways to resolve the character issues this incident has come to reveal.

Sundaresh Menon
Chief Justice

Goh Pek San (P S Goh & Co) for the applicant in AAS 100;
Devadas Naidu (Metropolitan Law Corporation) for the applicant in AAS 121;
Shobna Chandran, Ng Jie Zhen Amy and Thaddaeus Aaron Tan Yong Zhong (Tan Rajah & Cheah) for the applicant in AAS 124;
Peter Ong Lip Cheng (Peter Ong Law Corporation) for the applicant in AAS 125;
Jeyendran s/o Jeyapal, Lee Hui Min and Lim Toh Han (Attorney-General's Chambers) for the Attorney-General;
Kenneth Lim Tao Chung (Allen & Gledhill LLP), Davis Tan Yong Chuan (Rajah & Tann Singapore LLP) and Darryl Chew Zijie (Chia Wong Chambers LLC) for the Law Society of Singapore;
Chong Soon Yong Avery (Avery Chong Law Practice) for the Singapore Institute of Legal Education.

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