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

[2022] SGHC 87

Admission of Advocates and Solicitors No 14 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

CTA

… *Applicant*

AND

Admission of Advocates and Solicitors No 22 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

CTB

… *Applicant*

AND

Admission of Advocates and Solicitors No 23 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

CTC

… *Applicant*

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AND

Admission of Advocates and Solicitors No 27 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

CTD

… *Applicant*

AND

Admission of Advocates and Solicitors No 29 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

CTE

… *Applicant*

AND

Admission of Advocates and Solicitors No 30 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

CTF

… *Applicant*

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GROUNDS OF DECISION

[Legal Profession — Admission]

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Re CTA and other matters

[2022] SGHC 87

General Division of the High Court — Admission of Advocates and Solicitors
Nos 14, 22, 23, 27, 29 and 30 of 2022
Choo Han Teck J
13 April 2022

18 April 2022.

Choo Han Teck J:

1 26 applications for admission to the Bar were fixed for hearing on 13 April 2022. Having fulfilled the requirements for admission, the applicants in 20 of them were admitted with no objections from the Attorney General ("AG"), The Law Society of Singapore ("LSS"), and the Singapore Institute of Legal Education ("SILE"). The AG objected to the applications of the six applicants ("the Applicants") in the above-cited applications before me. The AG's objection was that the Applicants were not fit and proper persons to be admitted to the Bar because they had cheated in what is known as the Part B of the Singapore Bar Examinations. The examinations in question were held in 2020. The AG was of the view that the Applicants lacked honesty and integrity, and should not be admitted to the Bar, at least not for a while, since it is questionable whether they can presently swear the oath on admission which requires them to declare that they will "truly and honestly conduct [themselves]

in the practice of an advocate and solicitor according to the best of [their] knowledge and ability and according to law".

2 Five of the six Applicants ("the Five") communicated with each other and shared answers in six of the papers, through WhatsApp. The remaining one ("the One") colluded with another examinee ("the other person") and cheated in three of the papers. That other person was not subject to any complaint as far as I know. The One explained that her answers were the same as the other person because they studied together and shared study notes. The SILE rejected her explanation because her answers in the three papers were not just similar, but contained the same pattern and errors. They were not just similar but the same — warts and all. The SILE, however, gave her the benefit of the doubt in three other papers.

3 The Five were required to re-take the examinations of the six papers that they had cheated in. The One was required to re-take the entire Part B course, by reason of the fact that, unlike the Five who admitted their conduct as soon as the SILE began its inquiry, the One denied any wrongdoing and protested her innocence. She filed an affidavit apologising for her conduct only on 11 April 2022, two days before the admission hearing. The Applicants had all since passed the examinations required of them; but the odium of the misconduct remained, for the time being.

4 When so many applicants cheated in a professional qualifying examination in so many papers, including one for "Ethics and Professional Responsibility", then something is wrong somewhere. Many questions are raised, though I cannot or need not, answer all of them here. Does the mode of present-day examinations make it more conducive for cheating? Have the examinees cheated because the modes of examinations in the law schools are

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similarly conducive for cheating? In other words, is there a culture of cheating brewing in the earlier stages of an applicant's education? Furthermore, when a person cheats in a course meant to instil ethics and professional conduct, it raises the question, how is it that they had learnt so poorly from the course?

5 Dishonesty and lack of probity are not the only vices in question in this matter. When a person resorts to cheating in an examination, it also reveals a lack of diligence, and a propensity to take shortcuts — neither of which are sound professional qualities.

6 A lawyer who has acted dishonestly will be disciplined according to the disciplinary process under the Legal Profession Act 1966 (2020 Rev Ed). In the more serious cases, the errant lawyer will have to face the Court of Three Judges who will determine the punishment, including suspension or striking the lawyer off the roll of advocates and solicitors. There are no provisions for disciplinary action where a qualified person misconducts himself before he has been admitted to the Bar, save that the High Court may at its discretion refuse to admit the applicant.

7 In a profession in which every member must be like Caesar's wife — beyond reproach — dishonesty is a big problem. But it would also be harsh to have one's professional career ended before it has even begun. Whatever and wherever the failings that might have led to this state of events presently before me, it is imperative to sound the tocsin, not just to Part B examinees, but to all law students, that this profession values honesty among the highest virtues, and it is best to avoid stumbling on account of a lack of it from the outset. That is to say, even lawyers in the embryonic stage — law students — must be trustworthy.

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8 That brings me to the Applicants here. Unlike advocates and solicitors in practice, there is no disciplinary process for the qualifying applicant to the Bar save the discretion of the court hearing the application for admission. Mr Jeyendran, representing the AG proposed that the Five adjourn their applications for six months, and the One, for 12. He submitted that this proposal was not intended as a punishment, and he would be right because this is not a disciplinary proceeding before me. Mr Jeyendran submitted that a little more stretching of time for the Applicants to reflect on the error of their ways would be beneficial to them, and to the profession. Mr Daniel, counsel for the LSS, and Ms Dew Wong, counsel for the SILE, agree with Mr Jeyendran, as do the Applicants.

9 Measuring justice is never an easy task. Judges are ever mindful not to set standards that they themselves cannot achieve. They are loathe to shut the door on a wrongdoer with no prospects of redemption. But they also have a duty to prevent a repeat of the wrong, and to do so without breaking young backs in the process. Most of the Applicants were trained in big and renowned firms, including two foreign offshore firms here. All, save one, are presently working as legal executives. I am therefore of the view that Mr Jeyendran's proposal is fair, and it appears to be the most viable option in the circumstances. I, therefore, granted the adjournments sought. I am redacting the names of the Applicants in the hope that they will not be prejudiced in the long run. I am also directing that this file be sealed. But second chances are for those who seize them. If ever they were to plead for a third, I wish them good luck.

10 Future applicants must understand that ignorance or inadequate warning — not that any warning for one to be honest is ever required — may not be prayed in aid should a similar case come before the courts. Future cases may

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not be redacted, and the applications may not just be adjourned for months — they may be adjourned *sine die*, that is to say, without date.

- Sgd -
Choo Han Teck
Judge of the High Court

Jeyendran Jeyapal, Chong Yun Ling and Lim Toh Han (Attorney-General's Chambers) for Attorney-General;
Christopher Daniel and Davis Tan (Rajah & Tann Singapore LLP) for Law Society of Singapore;
Dew Wong for Singapore Institute of Legal Education;
Lalita Chelliah for applicants in AAS 14, 22, 23, 29 and 30 of 2022;
Cheryl Ng for applicant in AAS 27 of 2022.

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