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

[2023] SGHC 59

Admission of Advocates and Solicitors 410 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 Tay Jie Qi

Tay Jie Qi

… *Applicant*

AND

Admission of Advocates and Solicitors 572 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 Low Shauna

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Low Shauna

… *Applicant*

EX TEMPORE JUDGMENT

[Legal Profession — Admission]

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Re Tay Jie Qi and another matter

[2023] SGHC 59

General Division of the High Court — Admission of Advocates and Solicitors Nos 410 and 572 of 2022
Sundaresh Menon CJ
9 March 2023

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Sundaresh Menon CJ:

Introduction

1 The present applications, HC/AAS 410/2022 ("AAS 410") and HC/AAS 572/2022 ("AAS 572"), are unrelated to the series of cases that arose out of the controversy surrounding the 2020 Part B examinations, though they potentially raise some broadly similar issues. Unlike the applicants in *Re Tay Quan Li Leon* [2022] SGHC 133 ("*Re Leon Tay*"), *Re Wong Wai Loong Sean and other matters* [2022] SGHC 237 ("*Re Wong Wai Loong Sean*") and *Re Monisha Devaraj and other matters* [2022] SGHC 93 ("*Re Monisha Devaraj*"), the two applicants before me did not cheat in their Part B examinations. Instead, they committed certain wrongdoings some years before their respective applications to be admitted to the roll of advocates and solicitors. This affords me the opportunity to view their earlier actions with the benefit of the perspective that comes from the fact that there has been some distance between the time of their wrongdoing and the time of their applications for admission. It

is also noteworthy that the present applicants voluntarily disclosed their misconduct to the relevant stakeholders (see at [18] and [31] below), despite such information not otherwise being in the public domain. There is also nothing to suggest that the present applicants were involved in any other type of unsatisfactory conduct in the intervening years. They duly sat for and passed their Part B examinations and have satisfactorily completed their training contracts.

2 The admission hearings for AAS 410 and AAS 572 were originally fixed on 23 August 2022 and 9 November 2022 respectively. Following the applicants' disclosures of their respective misconduct, the Attorney-General ("AG") invited them to agree to adjourn their admission hearings, which they both did. Upon the matters eventually being restored for hearing, the AG, and for that matter, the Law Society of Singapore and the Singapore Institute of Legal Education, (respectively, "the Law Society" and "the SILE", and collectively with the AG, "the stakeholders") confirmed that they do not object to the admission applications being granted at this time. The issue for my determination today is whether, in all the circumstances, the applicants can be considered fit and proper persons to be admitted at this time as advocates and solicitors in Singapore.

General principles

3 The central inquiry in such applications, where the prescribed requirements have been met and so establish that the applicant has the requisite level of competence, is whether the applicant in question is suitable for admission in terms of her *character*. This will entail consideration of all the relevant circumstances including:

(a) the circumstances of the applicant's misconduct;

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(b) her conduct in the course of any investigations that may have been held in connection with the misconduct;

(c) the nature and extent of and the circumstances surrounding the initial and subsequent disclosures about the misconduct made by the applicant in her application for admission;

(d) any evidence of remorse; and

(e) any evidence of rehabilitation including steps that have been planned or already taken towards achieving the applicant's rehabilitation (see *Re Wong Wai Loong Sean* at [3]).

These are pointers or indicia that inform the court's assessment of the nature and severity of the applicant's character issues, whether there is a need to defer the applicant's admission and if so, the amount of time he or she will likely need to resolve these character issues.

4 In cases where a significant period has elapsed since the applicant's wrongdoing, the last two factors (namely, evidence of remorse and efforts towards rehabilitation) may take on particular importance in helping the court determine whether any further deferment of the applicant's admission is necessary. If the applicant demonstrates genuine remorse and satisfies the court, through a course of consistent and proper conduct, that she has learnt the requisite lessons and successfully resolved the character issues, a further deferment of her admission application may not be necessary. This is so because the purpose of deferring an admission application is *rehabilitative*, not *punitive*; simply put, such a deferment is not to punish the applicant for her earlier mistake but to provide her with adequate time to correct her character issues and instil confidence in the stakeholders of her suitability for admission (*Re Wong Wai*

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Loong Sean at [27]). With these principles in mind, I consider the present applications in turn, beginning with AAS 410.

Ms Tay Jie Qi

The plagiarism incident

5 The applicant in AAS 410 is Ms Tay Jie Qi ("Ms Tay"). Ms Tay graduated from Singapore Management University ("SMU"). In her second year at SMU, she took the Constitutional and Administrative Law module ("the Module") under Professor Benjamin Joshua Ong ("Professor Ong"), for which she had to submit an individual research paper which accounted for 30% of her grade for the Module ("the Research Paper").

6 On 1 May 2019, Ms Tay received an e-mail from Professor Ong informing her that she may have violated SMU's Code of Academic Integrity ("the Violation") because several paragraphs in her Research Paper appeared to have been taken from a paper submitted by another student who had taken the Module in a previous year ("the Relevant Research Paper").

7 On 3 May 2019, Ms Tay replied to Professor Ong's e-mail and stated that while some of the paragraphs flagged by Professor Ong were her own work, she *had* taken the remaining paragraphs from the Relevant Research Paper without attributing the source. She apologised and stated that she would accept any punishment for her misconduct.

8 On 10 June 2019, Ms Tay met with Mr Raymond Singh ("Mr Singh"), the Assistant Director of Student Conduct at SMU. During this meeting, Ms Tay received an official letter of reprimand ("Letter of Reprimand") from SMU's University Council of Student Conduct ("UCSC"). Mr Singh also explained to

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Ms Tay that (a) the Violation would be recorded as an internal disciplinary record within SMU and would not be reflected on her academic transcript upon graduation; and (b) there would be a disciplinary sanction in the form of a five-mark reduction for her Research Paper.

9 Ms Tay signed the Letter of Reprimand and accepted the disciplinary sanction imposed by the UCSC. She also undertook not to commit any further violations in the course of her studies at SMU. She subsequently graduated from SMU and completed her Part B examinations without any further complaints of misconduct.

The events leading up to the hearing of AAS 410

10 On 20 May 2022, Ms Tay filed her originating application to be admitted as an advocate and solicitor of the Supreme Court of Singapore. Of her own initiative, she disclosed the incident of plagiarism in her affidavit for admission dated 28 July 2022. Subsequently, the Attorney-General's Chambers ("AGC") and the Law Society sought some additional information. On 10 August 2022, Ms Tay filed a supplementary affidavit detailing the incident. She also annexed a table prepared by Professor Ong which showed the similarities between her Research Paper and the Relevant Research Paper.

11 On 16 August 2022, the AGC filed its Notice of Objection. The AG considereed that Ms Tay's act of plagiarism in 2019 was dishonest and that Ms Tay was not a fit and proper person to be admitted at that time. The AG urged the court to dismiss Ms Tay's application unless she withdrew her application and undertook not to bring any fresh application for at least three months.

12 On 6 September 2022, at a case management conference ("CMC"), Ms Tay agreed to adjourn her admission hearing for three months and for a further

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CMC to be fixed in late December 2022 or January 2023. The adjournment was granted, and a second CMC was held on 29 December 2022. At this CMC, the AGC sought leave to withdraw its Notice of Objection. On 3 January 2023, the court granted leave and the AG then withdrew his Notice of Objection on 28 February 2023. The Law Society and the SILE have indicated that they have no objections to Ms Tay's admission.

Whether Ms Tay is a fit and proper person to be admitted

13 At the outset it may be noted that the facts and circumstances surrounding Ms Tay's conduct are dissimilar to those of the applicants in *Re Leon Tay*, *Re Wong Wai Loong Sean*, and *Re Monisha Devaraj* in two main respects:

(a) Ms Tay did not cheat in her professional qualifying examinations but committed plagiarism in one of her modules in her second year of university. While plagiarism is not less serious than cheating in an examination, it may be less aggravated when the misconduct in question is isolated and has taken place a significant time before the admission process, rather than in the very process of seeking admission.

(b) Unlike the other cases that have been dealt with, Ms Tay was entirely forthcoming about the misconduct. She disclosed it in her admission affidavit even though the facts were private and not public. I further note that as early as 28 May 2022, Ms Tay contacted SMU's Office of the Dean of Students to obtain the records relating to her disciplinary conduct, which suggests that she may have been contemplating disclosing this this incident even before the incidents concerning the 2020 Part B Examination came into public attention. In any case, the willingness to make disclosure of a matter that was not

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publicly known suggests to me that she was resolute about coming clean and facing up to the consequences.

14 In the circumstances before me, I am satisfied Ms Tay has sufficiently shown that she has learnt from her mistake and can be considered a proper person to be admitted as an advocate and solicitor in Singapore at this time. I now elaborate on my reasons.

15 I earlier referred to the importance of assessing the significance of any instance of misconduct with the benefit of the time that has passed since then. In this case, it is significant that Ms Tay has maintained a clean record through the remainder of her course of study at SMU and beyond that. In the intervening period of nearly four years since the incident that took place in or about May 2019, she has graduated from SMU and passed her Part B examinations without any further suggestion of dishonesty or misconduct. As I emphasised in *Re Leon Tay* at [42] and *Re Wong Wai Loong Sean* at [27], the purpose of deferment in admission applications is not to punish, but to provide a timeframe for the applicant to resolve her character issues and for the stakeholders to regain confidence in the applicant's suitability to be admitted.

16 In my view, the period of time that has elapsed is a weighty factor in the present circumstances because it serves as evidence that her remorse is real and that she does have the necessary capacity for change and rehabilitation. It demonstrates that Ms Tay has reflected on and understood the ramifications of her misconduct as a student at SMU and has resolved not to repeat it. This period also affords the stakeholders sufficient time to assess her suitability for admission. Unlike the applicants in *Re Leon Tay*, *Re Wong Wai Loong Sean*, and *Re Monisha Devaraj*, who cheated in their Part B examinations *shortly before* their admission applications, there is no need to further defer Ms Tay's

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admission application in order to enable the stakeholders to assess her suitability.

17 In addition, as I have already noted, Ms Tay demonstrated candour and forthrightness in confronting her mistake. This can be seen not only from her initial conduct during SMU's investigations in 2019, but also from her voluntary disclosures in her affidavit for admission. When Ms Tay was first confronted by Professor Ong, she immediately admitted that certain paragraphs in her Research Paper were taken from the Relevant Research Paper. She apologised for her misconduct and indicated that she was willing to accept any punishment meted out by the school. This contrasts favourably with the applicant in *Re Leon Tay* who lied to the SILE when he was initially confronted over his suspected cheating (see *Re Leon Tay* at [2] and [7]). Ms Tay's willingness to admit to her mistakes during the initial investigation is similar to that of Mr Lim Zi Yi ("Mr Lim") and Ms Annabelle Au Jia En ("Ms Au") in *Re Wong Wai Loong Sean*, and that was a significant factor I considered in concluding that a shorter duration of deferment would suffice for Mr Lim and Ms Au as compared to that for the other applicants in that case (see *Re Wong Wai Loong Sean* at [73]).

18 Ms Tay also disclosed her misconduct at the first opportunity when she filed her admission affidavit. She did this of her own accord notwithstanding the fact that the Violation was filed as an *internal* disciplinary record within SMU and was not reflected on her academic transcript upon graduation. Indeed, it was not a matter that was made public at all. By voluntarily highlighting this incident in her admission affidavit, Ms Tay demonstrated an evident willingness to take responsibility for her mistake. This weighs strongly in her favour and suggests to me that Ms Tay has learnt valuable lessons from her mistake and that notwithstanding her lapse of judgment in her second year of university, she can be considered a fit and proper person for admission at this time. Everyone

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makes mistakes; the real question is whether one demonstrates the capacity to learn from one's mistakes and in my judgment, Ms Tay has sufficiently demonstrated that.

19 Finally, I note that Ms Tay's admission hearing was originally fixed on 23 August 2022, but she agreed to adjourn her admission hearing for three months. In my view, the three-month adjournment, assuming it was needed at all, would have afforded Ms Tay a further opportunity, in the specific context of seeking admission to the roll, to reflect on the importance of the attributes of honesty and integrity in this profession. All the relevant stakeholders have indicated that they have no objections to her admission. In these circumstances, I allow her admission application in AAS 410.

Ms Low Shauna

20 The applicant in AAS 572 is Ms Low Shauna ("Ms Low"). Ms Low too is a graduate of SMU. In her affidavit for admission dated 30 September 2022, she disclosed two incidents that occurred between 2016 and 2018 where she had brushes with law enforcement.

The first incident

21 The first incident occurred sometime in the period between the later part of 2016 and the early part of 2017. Ms Low was already a law student at SMU at that time. She attempted to steal an eyeshadow palette, worth around $50, from the Sephora store in ION Orchard. When she was leaving the store, she was approached by the store's security guards. She immediately admitted to shoplifting and surrendered the eyeshadow palette. Subsequently, the security guards called the police who recorded a statement from Ms Low, in which she again admitted that she had shoplifted. On 6 January 2017, the police issued Ms

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Low a stern warning in lieu of prosecution and informed her that there would be a sealed police record of the incident.

The second incident

22 The second incident occurred sometime in 2017 or 2018. Ms Low had gone for a night out with her boyfriend, her sister and some other acquaintances. The group was attempting to enter a club when a staff member of the club found some suspected illegal substances in the bag of one of the persons in the group. The whole group was arrested and brought into police custody. Ms Low was questioned, tested for drugs, and released the next morning.

23 According to Ms Low, she only found out after her release that a slab of Xanax had been found in her sister's bag. The Xanax belonged another person in the group, who was seeing a psychiatrist at the time and had been prescribed Xanax to cope with a medical issue, and who had asked Ms Low's sister to keep the Xanax with her that night. After the drug test results were out, an officer from the Central Narcotics Bureau ("CNB") informed the group that no further action would be taken against them.

The events leading up to AAS 572

24 After Ms Low's initial disclosures, the Law Society sought some more information and Ms Low filed a supplementary affidavit on 26 October 2022 to provide further details of the two incidents.

25 On 31 October 2022, the AGC sent a letter to Ms Low stating its position that Ms Low was not a fit and proper person to be admitted at that time and invited her to adjourn her application for a period of three months. On 2 November 2022, Ms Low applied to adjourn the hearing of her admission

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application (which was originally fixed on 9 November 2022) for three months. The stakeholders did not object to her request and the adjournment was granted.

26 During a CMC that was held on 31 January 2023, the AGC indicated that it would not object to Ms Low's admission if she agreed to file a further supplementary affidavit confirming that no new facts had arisen since her last supplementary affidavit that affected her suitability to be admitted as an advocate and solicitor. Ms Low duly filed a further supplementary affidavit on 10 February 2023 confirming the same. The stakeholders have since indicated that they have no objections to Ms Low's admission.

Whether Ms Low is a fit and proper person to be admitted

27 I begin by noting that the second incident disclosed by Ms Low has no apparent relevance to her suitability to practice as an advocate and solicitor. This is so given that (a) Ms Low has consistently maintained she did not know what transpired until after her release from custody; (b) there was a valid explanation for the Xanax that was found in her sister's bag; (c) as it turned out this had nothing at all to do with Ms Low; and (d) Ms Low tested negative for drugs and no further action was taken against her. It follows from these considerations that the second incident does not show any aspect of Ms Low's conduct or character that affects her suitability to be admitted as an advocate and solicitor. All in all, it seems to have been an unfortunate incident, which she had disclosed out of an abundance of caution.

28 I turn then to the first incident, namely Ms Low's act of shoplifting, which is pertinent. Ms Low admitted in her supplementary affidavit that she found the eyeshadow palette to be expensive and she "attempted to shoplift said product by concealing it either in [her] bag or under [her jacket]". This reflects dishonesty, which is almost invariably seen as suggestive of underlying

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character flaws that are incompatible with being admitted as an advocate and solicitor. In our profession, clients invariably repose their trust and confidence in lawyers, in various ways, including to handle their money. It is essential in such circumstances, that lawyers act with the utmost integrity and moral fortitude at all times. This is also mandated by the nature of a lawyer's vocation, which is to aid in the administration of justice.

29 That said, the question I must determine today is whether Ms Low has reflected on and remedied the character issues which surfaced in something she did more than six years ago when she was 19 or 20 years old. In my judgment, notwithstanding her brush with the law, Ms Low has demonstrated genuine remorse and has reformed herself in the intervening period preceding her admission application.

30 First, like Ms Tay, Ms Low has maintained a clean record since her misconduct, more than six years ago. She graduated from SMU and passed her Part B examinations without any suggestion or complaints of dishonesty or misconduct. Her clean record in the years after her brush with the law suggests that she has learnt from her mistake and has taken steps to reflect on her mistake and on what she must do to reform herself. I stress again that the purpose of a deferment in admission applications is not punitive, but rehabilitative. Where an applicant has, through a consistent course of conduct, demonstrated that she has turned over a new leaf, there is no need or even basis for any further deferment of her admission application to *punish* her. In each case, the need for such a deferment should be carefully assessed. It should not be insisted upon as a matter of routine. And if appropriate, the request for an adjournment should be explained so that the applicant understands why this is being sought and what she must do to make the best use of that time.

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31 Second, Ms Low has also been forthcoming in her disclosures and her willingness to take responsibility for her mistake. During the initial investigations, Ms Low immediately confessed to shoplifting, cooperated with the police and returned the eyeshadow palette. She also disclosed her wrongdoing to the court and the stakeholders at the first opportunity in her admission affidavit. This is notwithstanding the fact that the police informed her that her act of shoplifting would be noted in a sealed police record. The fact that Ms Low nonetheless disclosed the episode in her admission affidavit demonstrates her willingness to openly confront her mistake. This reveals a high degree of candour and accountability on Ms Low's part, which are qualities that every advocate and solicitor in Singapore should have.

32 I am therefore satisfied that notwithstanding Ms Low's brush with the law more than six years ago, she has shown that she is a fit and suitable person who may be permitted to practice as an advocate and solicitor in Singapore. All the stakeholders have indicated that they have no objections to her admission. In these circumstances, I allow her admission application in AAS 572.

Conclusion

33 In conclusion, I allow both applications for admission in AAS 410 and AAS 572. Both applicants have demonstrated remorse and a sufficient capacity for change and rehabilitation and have maintained clean records since their respective misconduct. Both applicants have also been completely transparent in their respective disclosures and have shown their willingness to hold themselves accountable for their mistakes. I also highlight that they both made voluntary disclosures of matters that were apparently not in the public domain. I found the willingness of both these candidates to face up to their mistakes and to deal candidly and forthrightly with the court and with the stakeholders,

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heartening. In these circumstances, I am of the view that no further deferment of their admission applications is necessary. I accordingly make an order in terms of their respective applications for admission and welcome them to the profession.

Sundaresh Menon
Chief Justice

Randhawa Ravinderpal Singh s/o Savinder Singh Randhawa and Yeo Kee Teng Mark (Kalco Law LLC) for the applicant in AAS 410;
Mansurhusain Akbar Hussein and Remesha Chandran Pillai (Jacob Mansur & Pillai) for the applicant in AAS 572;
Jeyendran Jeyapal, Lee Hui Min, Clement Lim and Lum Qian Wei (Attorney-General's Chambers) for the Attorney-General;
Andrew Chua Ruiming (Drew & Napier LLC), Sui Yi Siong (Harry Elias Partnership LLP), Darryl Chew Zijie (Chia Wong Partnership LLC) for the Law Society of Singapore;
Avery Chong Soon Yong (Avery Chong Law Practice) for the Singapore Institute of Legal Education.

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