IN THE COURT OF 3 SUPREME COURT JUDGES OF THE REPUBLIC OF SINGAPORE

[2024] SGHC 141

Originating Application No 5 of 2023

Between

The Law Society of Singapore

… *Applicant*

And

Ravi s/o Madasamy

… *Respondent*

Originating Application No 10 of 2023

Between

The Law Society of Singapore

… *Applicant*

And

Ravi s/o Madasamy

… *Respondent*

JUDGMENT

[Legal Profession — Professional conduct — Grossly improper conduct]

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Law Society of Singapore
v
Ravi s/o Madasamy and another matter

[2024] SGHC 141

Court of 3 Supreme Court Judges — Originating Applications Nos 5 of 2023 and 10 of 2023
Sundaresh Menon CJ, Tay Yong Kwang JCA and Steven Chong JCA
9 May 2024

31 May 2024 Judgment reserved.

Steven Chong JCA (delivering the judgment of the court):

Introduction

1 The respondent, Mr Ravi s/o Madasamy, is a lawyer of more than 25 years' standing. He is no stranger to disciplinary proceedings for various incidents of improper conduct ranging from making baseless allegations with respect to key legal institutions, being disruptive in the courtroom, to improper handling of clients. Prior to the two matters before this court, the respondent has had many antecedents, having been found guilty on more than 10 occasions of improper conduct by the Disciplinary Tribunal of the Law Society of Singapore (the "Law Society"), with sanctions imposed ranging from monetary penalties to suspensions from practice on two previous occasions. In fact, the respondent is currently serving a five-year suspension which commenced on 21 March 2023.

2 On the previous occasions (as detailed at [58] below), although the respondent was found guilty of various types of improper conduct, there was no express finding of dishonesty against him. However, with respect to the present two matters, for the reasons set out below, part of the respondent's misconduct entailed him making false statements which he knew or must have known to be false. In doing so, his improper conduct crossed the line, and his conduct was found to be dishonest.

3 As the respondent is not disputing the findings by both Disciplinary Tribunals (the "DTs") and given the gravity and egregious nature of the respondent's improper conduct, there is no reason why this court should not order the presumptive sanction of striking off the respondent and we so order.

Background facts

4 C3J/OA 5/2023 ("OA 5") and C3J/OA 10/2023 ("OA 10") are applications by the Law Society for the respondent to be sanctioned under s 83(1) of the Legal Profession Act 1966 (2009 Rev Ed) (the "LPA"). The misconduct in OA 5 arose out of statements made by the respondent on Facebook about the conduct of President Halimah Yacob ("the President") and about the appointments of two Prime Ministers of Singapore ("PM appointments") in August 2020. The misconduct in OA 10 arose out of the respondent's conduct before Justice Audrey Lim (the "Judge") at the trial of HC/S 699/2021 *Chua Qwong Meng v SBS Transit Ltd* in November 2021. At the time of the alleged misconduct, the respondent was an advocate and solicitor of more than 23 years' standing.

5 Two DTs were convened to investigate the respondent's misconduct. The first DT, comprising Mr Siraj Omar SC and Mr Tan Jee Ming, found that

pursuant to s 93(1)(*c*) LPA, cause of sufficient gravity for disciplinary action existed under s 83(2)(*h*) LPA, in relation to the respondent's misconduct of making statements about the President's conduct and the PM appointments (see *The Law Society of Singapore v Ravi s/o Madasamy* [2023] SGDT 7). The second DT, comprising Mr Sarjit Singh Gill SC and Mr Tan Gee Tuan, also found that pursuant to s 93(1)(*c*) LPA, there was cause of sufficient gravity for disciplinary action against the respondent under s 83 LPA for his misconduct before the Judge at the trial (see *The Law Society of Singapore v Ravi s/o Madasamy* [2023] SGDT 13). Based on the findings of the DTs, the Law Society brought OA 5 and OA 10 respectively.

OA 5

6 On 4 August 2020, the respondent wrote to the President alleging that the appointments of Mr Goh Chok Tong ("PM Goh") (as the former PM of Singapore) and Mr Lee Hsien Loong ("PM Lee") (as the then incumbent PM of Singapore) were unconstitutional due to "racial considerations". He requested for the President "to refer to the Supreme Court to convene a Constitutional Tribunal under Article 100 of the Constitution" regarding the issue of the "unconstitutional" appointment of PM Goh and PM Lee (the "4 August Letter"). On the same day, the respondent posted a video (around 13 minutes long) on his Facebook page. He then subsequently re-posted this video to another of his Facebook page. The respondent announced that he had sent the 4 August Letter to the President and alleged that PM Lee's appointment was "unconstitutional" on account of "racial considerations" (the "4 August Video"). He urged the public to make the same request of the President that he did. The respondent also published the 4 August Letter on his Facebook page.

7 The President's Office replied to the respondent's 4 August Letter on 14 August 2020 (the "President's Letter"). The respondent was informed by the Principal Private Secretary to the President that "the President must act on the advice of the Cabinet when referring any question to a constitutional tribunal under Article 100 of the Constitution". On the same day, the respondent published the President's Letter together with the following on both of his Facebook pages (the "14 August Post"):

> "The President has finally replied. She has clearly abdicated her responsibility under her Constitutional Oath to defend, preserve and protect the constitution in respect of the unconstitutional appointment of PM LHL whose appointment is based on racial consideration that is prohibited under Article 12 of the constitution that prohibits any appointment to public office on account of race unless expressly authorised by the constitution like the appointment of the President herself unlike the PM. Nowhere in Article 100 does it say that she requires the Cabinet's mandate for her to refer a question to the court of three judges which she says in this letter…"

8 The Attorney-General ("AG") subsequently complained on 22 August 2020 about the respondent's conduct and requested the Law Society to refer the complaint to a DT. The DT was appointed on 9 November 2021 to hear the complaint and investigate. Two charges were brought by the Law Society against the respondent. They relate to two statements respectively. The first statement (the "First Statement") which pertains to the first charge (the "First OA 5 Charge") reads:

> "The President … has clearly abdicated her responsibility under her Constitutional Oath to defend, preserve and protect the Constitution … Nowhere in Article 100 does it say that she requires the Cabinet's mandate for her to refer a question to the court of three judges which she says in this letter…"

9 The second statement (the "Second Statement") which pertains to the second charge (the "Second OA 5 Charge") reads:

> "…[T]he unconstitutional appointment of PM LHL … is based on racial consideration that is prohibited under Article 12 of the constitution that prohibits any appointment to public office on account of race unless expressly authorised by the constitution…"

10 The Law Society alleged that the statements made by the respondent were "false and baseless" and that his conduct in making these statements "amounts to misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession within the meaning of section 83(2)(*h*) of the [LPA]". The respondent admitted to having made the statements but denied the allegations of misconduct levelled against him.

OA 10

11 At the material time, the respondent was practising at K K Cheng Law LLC ("KKC"). He was representing Mr Chua Qwong Meng ("Mr Chua") in HC/S 699/2021 *Chua Qwong Meng v SBS Transit Ltd* (the "Suit"). Mr Davinder Singh SC ("Mr Singh") from Davinder Singh Chambers LLC ("DSC") was acting for SBS Transit Ltd. Mr Chua was one of 13 plaintiffs who had brought proceedings against SBS Transit Ltd (collectively the "Plaintiffs"). The hearing was scheduled from 22 to 25 and 29 November 2021, and was to take place by Zoom. The proceedings were broadcasted in court where members of the public could view the proceedings from the public gallery.

12 On 22 November 2021, the Judge stood down the trial at around 10.22am for the parties to discuss certain administrative matters. When the trial resumed at 10.34am, Mr Singh informed the Judge that the respondent had told him "don't be a clown" no less than three times. When asked by the Judge about this, the respondent entered into an exchange with the Judge. Following the exchange, Mr Chua was affirmed as a witness and was made available for cross-

examination by Mr Singh. However, before cross-examination could commence, Mr Singh informed the Judge at around 10.44am that one of his colleagues, Mr Timothy Lim ("Mr Lim") who was sitting in the room with Mr Chua at KKC's office had been asked to leave the room and KKC's office. Mr Singh clarified that Mr Lim's attendance was to ensure that Mr Chua's evidence was being given without someone leading him and without notes. During the Judge's explanation of the process for taking evidence via remote proceedings and as she gave directions, the respondent interrupted the Judge on multiple occasions.

13 The Judge then stated that she would make some orders, and the respondent interrupted the Judge, applying to have the Judge recuse herself and alleging that she was biased. After the Judge rejected his application, the respondent continued to interrupt the Judge to ask her to "discharge" and "disqualify" herself. At around 10.52am, Mr Singh explained to the Judge that Mr Chua's room should not have anything except the affidavit of evidence and relevant documents. This was contained in the protocol sent to the respondent and he had not objected to that. The Judge subsequently requested Mr Chua to be placed in the online Zoom room so that it could be explained to him what had occurred in court. The respondent objected and alleged that he did not trust the Judge's explanation because she was biased. The respondent continued to repeatedly interrupt the Judge when she was speaking to the interpreter in relation to the interpretation of the court proceedings to Mr Chua. He was also argumentative and rude to the Judge.

14 These exchanges between the respondent and the Judge resulted in him being charged for being disrespectful and discourteous to the Judge in the conduct of HC/S 699/2021 (the "First OA 10 Charge") and for impugning the propriety and impartiality of the Judge by making groundless allegations of bias

against her (the "Second OA 10 Charge"). The respondent was also charged with alternate charges for misconduct unbefitting of an advocate and solicitor on the same facts.

15 While the Judge was speaking to Mr Chua, the respondent informed the Judge that he wanted to "discharge" himself and Mr Chua. At around 10.59am, the Judge stood down for the respondent to speak to Mr Chua. The trial resumed at around 11.18am. When the trial resumed, the respondent stated that he and Mr Chua wanted to apply to "discharge ourselves from this case" and that he did not want to apply to recuse the Judge. The respondent stated that Mr Chua felt that "there is no faith in the system", and he did "not have justice here" and hence Mr Chua did not want to "participate any more in this [sic] unlawful proceedings". The Judge gave directions for the "discharge" application and affidavit to be filed by 12 noon the next day.

16 After the proceedings on 22 November 2021, Mr Chua wrote to the Registrar of the Supreme Court to state that he was discharging the respondent and requested an adjournment to appoint new counsel. Mr Chua stated that he intended to continue with the Suit and was not pursuing an application for the Judge to recuse herself. Mr Chua's letter to the Supreme Court enclosed a copy of his letter to the respondent (dated the same date). In that letter, he stated he was discharging the respondent and requested that the respondent provide him with all relevant documents in relation to the Suit. The Supreme Court Registry (the "Registry") replied on the next day (on 23 November 2021) copying KKC and DSC stating that Mr Chua was to file a notice of intention to act in person or a notice of change of solicitors. Mr Chua, on behalf of the Plaintiffs, also sent (on 23 November 2021) a statement to various media outlets that they were very embarrassed by the respondent's behaviour towards the Judge and Mr Singh, that there was no excuse or justification for his behaviour, and that they had

every intention to proceed with the litigation (contrary to the respondent's claim at the trial).

17 On 24 November 2021, at 12.34am, Mr Arun Kumar ("Mr Kumar") who signed off as a paralegal of KKC and "for an [sic] on behalf of" the respondent, wrote an email to the Registry stating that they had reconsidered the position and would like to proceed with the trial at 10am on 24 November 2021. The e-mail further stated that they would not be making any application for the Judge to recuse herself. The Registry wrote to KKC (on 25 November 2021) copying Mr Chua to clarify if those were the instructions from Mr Chua, and asked for KKC to show documentary proof of Mr Chua's instructions, given Mr Chua's correspondence with the Registry and the media report of the appointment of Mr Lim Tean as the Plaintiffs' new counsel. The Registry had not received a reply from KKC as at the date of the complaint.

18 On 29 November 2021, at the reconvened hearing for the trial, Mr Lim Tean informed the Judge that he had agreed to represent Mr Chua on or around 24 November 2021. A notice of change of solicitors was filed on 26 November 2021. Mr Lim Tean informed the Judge that Mr Chua never intended to apply to recuse the Judge and had discharged the respondent immediately after the hearing on 22 November 2021. Mr Chua then informed the Registry that he intended to carry on with the litigation, notwithstanding what was said by the respondent at the hearing (which was done without Mr Chua's instructions).

19 The respondent's conduct as explained above formed the basis of a charge for falsely informing the Judge that his client wanted to be discharged from the proceedings (the "Third OA 10 Charge") and of a charge of causing a false e-mail to be sent by Mr Kumar to the Registry, for and on his behalf (the

"Fourth OA 10 Charge"). The respondent was also charged with alternate charges for misconduct unbefitting an advocate and solicitor on the same facts.

The decisions of the DTs

OA 5

20 The DT found that cause of sufficient gravity for disciplinary action existed in respect of the First OA 5 Charge and Second OA 5 Charge. Therefore, the DT determined that pursuant to s 93(1)(*c*) LPA, cause of sufficient gravity for disciplinary action existed under s 83(2)(*h*) LPA.

The First Statement

21 Read in context, the DT considered that the respondent's First Statement meant to allege that the President had the power under Article 100 of the Constitution to convene a constitutional tribunal independently of the advice of the Cabinet, and her failure to do so meant that she had "clearly abdicated her responsibility… to defend, preserve and protect the Constitution". The DT found that the respondent knew at the time he made the First Statement, that it was false. This was because the legal position is trite that the President had to act on the advice of the Cabinet in the exercise of powers conferred under the Constitution except where discretion is expressly conferred, and the respondent had been counsel in the cases where these matters were decided by the Court of Appeal.

22 The DT rejected various arguments the respondent raised in his defence. The defence of fair criticism did not apply because there was no failure by the President that warranted his criticism. The respondent's assertions were not merely "a matter of interpretation" because of the way he framed the First

Statement as a positive statement of fact. The respondent's right to freedom of expression was not unfettered and did not extend to making false statements that would, in the eyes of any reasonable person, impugn the integrity of the President.

23 The DT found that the respondent's making of the First Statement amounted to misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession. It was a serious matter for any person to publicly allege that the President has abdicated her constitutional responsibility, and this was even more so when one was an advocate and solicitor. In the circumstances, the DT found that any reasonable person would unhesitatingly say that the respondent, as an advocate and solicitor, should not have made the First Statement.

The second statement

24 The DT considered that the Second Statement contained a positive assertion by the respondent that the respective appointments of PM Goh and PM Lee were unconstitutional because they had been based on racial considerations. The Second Statement was found to be false and baseless because the respondent had not adduced any evidence to support his allegation that the PM appointments were unconstitutional. The DT accepted that he knew or ought to have known that the Second Statement was false, and that he did not have any reasonable basis for believing that the Second Statement was true. This was because this was not the first time he had made the allegations found in the Second Statement. The respondent had been disciplined and prohibited from commencing any proceedings against the government for his past conduct of making allegations similar to that found in the Second Statement.

25 The DT found that it was a serious matter for the respondent to baselessly impugn the constitutional validity of the PM appointments. This was made more egregious because he sought to introduce the divisive and incendiary allegation of racial bias and discrimination. The DT found that any reasonable person would surely say that the respondent should not have done so even as an ordinary citizen, much less as an advocate and solicitor. As such, the DT held that the respondent's conduct in making the Second Statement "crossed the threshold required under [s 83(2)(*h*) LPA]".

OA 10

26 The DT found that the respondent was guilty of all four OA 10 charges and that his misconduct in relation to the Third and Fourth OA 10 Charges involved dishonesty on his part. It was observed that misconduct involving dishonesty would almost invariably warrant an order for striking off. This typically happened where the dishonesty violated the trust and confidence inherent in a solicitor-client relationship, or where the dishonesty impedes the administration of justice. Since the respondent's misconduct here fell within these two categories of dishonesty, the DT found that there was sufficient gravity for disciplinary action against the respondent under s 83 LPA.

The respondent's main defence of a relapse of his bipolar disorder

27 The respondent's main defence to the four OA 10 charges was that at the material time, he was suffering from a relapse of his bipolar disorder, which resulted in him displaying symptoms such as "flight of ideas, pressured speech, and irritability". He argued that the relapse had a contributory link to all his actions that formed the basis for the charges. The DT found that the respondent's bipolar disorder did not exculpate him from liability. The medical reports the respondent relied on were of no assistance and the DT did not place

any weight on them. Neither doctor had suggested that the respondent was unaware of his actions, or that he was incapable of knowing the nature of his actions, or that he was incapable of discerning whether they were right or wrong.

The four charges

28 In relation to the First OA 10 Charge, the respondent had admitted to it, save for his denial that he had interrupted the Judge while she was explaining possible arrangements and giving directions about the taking of Mr Chua's evidence. Based on the transcripts, the DT found that the respondent had not requested permission to respond but had interrupted the Judge on several occasions. Such conduct amounted to disrespectful and discourteous behaviour towards the Judge. He had demonstrated a "sheer lack of regard for [the Judge] and, by extension, the judiciary", and this was found to constitute improper conduct as an advocate and solicitor.

29 In relation to the Second OA 10 Charge, the DT did not accept the respondent's claim to have genuinely believed that at the material time, there was basis for his allegations about the Judge's propriety and impartiality because of his state of mind. The DT found that there was no evidence to establish that there was actual or apparent bias on the part of the Judge at the material time. The Judge's directions regarding Mr Chua's cross-examination were sensible and did not favour any one party. The Judge allowed the respondent to pursue the alternative of setting up another camera in the room to show that Mr Chua would be alone. She also allowed the respondent to arrange for his colleague to sit in the same room as Mr Singh's witnesses when they were testifying. The Judge thought that would have ensured that "it works both ways". Therefore, there was no reason for the respondent to impugn the Judge's propriety and impartiality. The DT was of the view that it was extremely

improper for a legal practitioner to challenge a Judge's capacity to adjudicate. As such, the DT was satisfied that the Second OA 10 Charge was made out.

30 In relation to the Third OA 10 Charge, the DT observed that if a false statement is made to the court by a solicitor recklessly, without caring whether it is true or false, this would constitute a breach of the solicitor's duty not to deceive or mislead the court. As such, the DT found that it was not necessary to evaluate whether the respondent intended to deceive the Judge. The DT found that on the evidence, the respondent had misled the court, but that he had done so after the break in the hearing between 10.59am and 11.18am, and not before the break. The break was then for the respondent to obtain instructions from Mr Chua. However, after the break, the respondent informed the Judge that "[the respondent] would like to apply and Mr Chua also would like to apply to discharge ourselves from this case". It is not disputed that this was a false statement. The respondent had, at the minimum, made this statement recklessly, without caring whether this statement was true or false. The DT found that by dishonestly making a misrepresentation to the Judge, the respondent's conduct was unbefitting of an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession.

31 In relation to the Fourth OA 10 Charge, the DT considered the e-mail on 24 November 2021 from Mr Kumar (on behalf of the respondent) to be an indication to the Judge that Mr Chua wanted the respondent to continue to act for him in the Suit and to proceed with the trial on 24 November 2021. The DT rejected the respondent's explanation that part of his intention behind this e-mail was for the trial to resume so that he could discharge himself as Mr Chua's solicitor then. Such a representation was made by the respondent knowing that it was false. Mr Chua had earlier already sent a letter to the respondent on 22 November 2021 to unequivocally revoke his instructions for the respondent

to act on his behalf. The respondent was aware of this unequivocal revocation by 23 November 2021. Despite knowing that he no longer had the authority to act, the respondent nevertheless went ahead to cause the e-mail of 24 November to be sent to the Registry, which falsely represented that he had Mr Chua's instructions to continue to act for Mr Chua in the Suit. This was done without speaking to Mr Chua. The DT found that by knowingly making a false representation to the Judge, the respondent's conduct was unbefitting of an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession.

The applicant's case

OA 5

Whether due cause has been shown under s 83(2) LPA

32 The applicant submits that due cause within the meaning of s 83(2) LPA has been shown for both OA 5 Charges. With respect to the First OA 5 Charge, reasonable people would not hesitate to say that an advocate and solicitor like the respondent should not have published a statement that not only misrepresented the law in Singapore, but also impugned the integrity of the President by alleging that she had "abdicated her responsibility". Given the public's unfamiliarity with constitutional matters, there is a heightened risk of the public being misled. Moreover, the publishing of false statements about key public offices like the AG and the Judiciary was sufficiently serious to make out due cause in past cases.

33 With respect to the Second OA 5 Charge, reasonable people would say that an advocate and solicitor, like the respondent, should not have made such a statement which not only publicly impugned the constitutionality of the PM

appointments, but also contained serious allegations of racial bias and discrimination that were baseless and untrue. The respondent's readiness to undermine one of Singapore's key public offices was sufficiently serious to demonstrate due cause.

The appropriate sanction to be imposed

34 The applicant's case is that the respondent is liable to be struck off. The applicant submits that the respondent has "character defects" and brought "grave dishonour" such that the presumptive penalty of striking off as established by the framework in *Law Society of Singapore v Seow Theng Beng Samuel* [2022] 4 SLR 467 ("*Samuel Seow*") at [41] would apply. His character defects stemmed from his fundamental lack of respect and blatant disregard for the integrity of individuals holding high constitutional offices. He had brought grave dishonour to the legal profession by deliberately making serious and baseless allegations against Singapore's high constitutional office-holders.

35 The applicant further argues that there are no mitigating factors to rebut the presumption. Instead, several aggravating factors exist to further support a sanction of striking off:

(a) The respondent's seniority as an advocate and solicitor of 23 years' standing at the commencement of the DT hearing in November 2021;

(b) The various antecedents of the respondent over the years; and

(c) The respondent's lack of genuine remorse by raising frivolous arguments in defence at the DT hearing.

36 In any event, the applicant submits that a lawyer cannot be under suspension for more than five years at any given time. Since the respondent has approximately four years remaining on his current five-year suspension term that commenced on 21 March 2023, this means that he can only be sanctioned to a maximum suspension of around a year in respect of the present charges. Given that this would not be an appropriate sentence, he should be struck off.

OA 10

Whether due cause has been shown

37 With respect to the First and Second OA 10 Charges, the applicant submits that due cause has been shown because the respondent had demonstrated disrespectful and discourteous behaviour towards the Judge and had impugned the propriety and impartiality of the Judge by making groundless allegations of bias. The respondent's repeated interruptions of the Judge was also disrespectful of the Judge's station. This was conduct unbefitting of an advocate and solicitor. The respondent's disregard and disrespect for the Judge and, by extension, the Judiciary was also grossly improper conduct that was dishonourable to the respondent and the profession.

38 With respect to the Third and Fourth OA 10 Charges, the applicant submits that due cause has been shown because the respondent was found by the DT to have been dishonest. In both charges, the respondent had falsely represented his client's positions to the court without having taken instructions. The applicant argues that a lawyer who is not truthful about his client's instructions poses a serious threat to the profession and the public trust in the administration of justice.

The appropriate sanction to be imposed

39 The applicant's case is that there are six reasons why a sanction of striking off is appropriate. First, the respondent had been dishonest in making the misrepresentations to the court which has affected the administration of justice (in relation to the Third and Fourth OA 10 Charges). Second, the public's confidence in the legal profession has been undermined because he failed to take instructions from his client and had conveyed contrary positions to the court. Third, his bipolar disorder is not a personal mitigating circumstance that should carry any meaningful weight in relation to the four charges. In any event, such mitigatory circumstances have little weight when dishonesty is involved.

40 Fourth, the respondent has a record of antecedents for professional misconduct linked to his underlying bipolar condition. Given that there have now been more instances of professional misconduct by him, his repeated misconduct warrants a more severe sanction. Fifth, he also has a record of antecedents that appear to be unrelated to his medical condition. This relates to his rude and disrespectful comments and his allegations against others. Sixth, he did not show remorse for his conduct. He has not apologised to the Judge for his conduct and did not respond to the Registry's queries sent on 25 November 2021.

41 For completeness, the applicant submits that since the respondent is currently suspended for five years, the court may not mete out further terms of suspension in excess of the ongoing five-year suspension based on current wrongdoings. As such, he should be struck off the roll.

The respondent's case

42 The respondent does not seek to challenge the DTs' findings and decisions. He says that he is remorseful for the acts which form the basis of all the charges. He accepts that it was inappropriate for him to have made the First Statement and the Second Statement and that they were misconceived and erroneous. He acknowledges that he should not have behaved in the manner he did, and that he should not have behaved improperly towards the Judge by making the statements and groundless allegations of bias against the Judge.

43 The respondent says that he will leave it to the Court of Three Judges ("C3J") to determine whether due cause has been shown under s 83(2) LPA and the appropriate sanctions that follow if due cause has been shown. He says that regardless of the outcome of the case, he is "committed to personal reflection and healing" and "endeavours to move past his mental health challenges and emerge stronger". He says he hopes to be able to practise as an advocate and solicitor in Singapore in the future.

The issues before this court

44 There are two central issues in the present case:

(a) Whether due cause has been shown for the respondent to be subject to the sanctions contained in s 83(1) LPA; and

(b) If so, what the appropriate sanction ought to be.

Our Decision

Whether due cause has been shown

The applicable law

45 Section 83(1) LPA provides that on "due cause shown", all advocates and solicitors shall be liable to be subject to various penalties including censure, a monetary penalty, suspension from practice, and the ultimate punishment of being struck off the roll. Section 83(2) LPA sets out the circumstances under which due cause may be shown. In the present case:

(a) The DT found that the respondent's conduct under the First and Second OA 5 Charges constituted misconduct unbefitting an advocate and solicitor under s 83(2)(*h*) LPA (as at [23], [25] above).

(b) The DT found that the respondent's conduct under the First and Second OA 10 Charges constituted improper conduct within the meaning of s 83(2)(*b*)(i) LPA (as at [28]–[29] above).

(c) The DT found that the respondent's conduct under the Third and Fourth OA 10 Charges constituted misconduct unbefitting an advocate and solicitor under s 83(2)(*h*) LPA (as at [30]–[31] above).

The respondent does not dispute the DT's findings.

46 As observed by the C3J in *Law Society of Singapore v Ravi s/o Madasamy* [2023] 4 SLR 1760 ("*Ravi (2023)*") at [50], although a determination that the advocate and solicitor's conduct falls within one of the s 83(2) LPA limbs is a necessary condition in determining whether due cause has arisen, it is not by itself a sufficient condition (*Law Society of Singapore v Jasmine Gowrimani d/o Daniel* [2010] 3 SLR 390 at [35]). There remains

another important inquiry into whether the respondent's misconduct is "sufficiently serious to warrant the imposition of sanctions under s 83(1) of the LPA" (*Law Society of Singapore v Udeh Kumar s/o Sethuraju and another matter* [2017] 4 SLR 1369 ("*Udeh Kumar*") at [30]). It is to this inquiry, of whether due cause has arisen for all six charges across OA 5 and OA 10 that we turn to. The crux of this analysis lies in what the gravamen of the respondent's conduct was (*Ravi (2023)* at [52]). Where the gravamen of his conduct in relation to the charges are substantially similar, we analyse them together.

First and Second OA 5 Charges

47 As will be recalled, the First and Second OA 5 Charges relate to two statements made by the respondent about the President and the appointments of PM Lee and PM Goh (as at [8]–[9] above). In our judgment, the respondent's conduct of making the statements was very serious because it involved the publishing of false statements about key public offices. The false and unwarranted attack on the President, as well as PM Lee and PM Goh, went towards undermining these offices. These statements suggested that the President was not faithfully executing her duties as President and was not acting in accordance with the Constitution. They also suggested that PM Lee and PM Goh were not appointed validly because their appointments were unconstitutional. These were grave allegations against the President and the PMs that are false and misleading. If believed by certain segments of the public, such false and baseless allegations could erode trust and confidence in the government. The respondent's conduct here was thus wholly improper and gravely irresponsible. We therefore find that due cause is amply established for the First and Second OA 5 Charges.

First and Second OA 10 Charges

48 To recap, the First and Second OA 10 Charges relate to the respondent's conduct at the trial before the Judge (as at [11]–[14] above). We agree with the applicant's characterisation of the respondent's conduct here as showing an overall disregard and disrespect for the Judge and, by extension, the Judiciary. It was material that the respondent's conduct was sustained at the hearing, and not just a simple slip of the tongue. Even after the Judge took efforts to explain the situation to him, he kept up his barrage of interruptions and allegations of biasness and impropriety. This was despite the Judge informing the respondent to wait his turn to speak and to let her finish speaking first. Rude and disrespectful behaviour by advocates and solicitors, especially when such conduct is sustained, is completely unacceptable and undermines the administration of justice by his efforts to turn the courtroom into a circus.

49 Moreover, the respondent had then made allegations of biasness against the Judge. By doing so, he made a baseless and unsubstantiated attack on the fairness of the justice system, and this went towards undermining the administration of justice. This was a grave allegation, especially when made by an advocate and solicitor of more than 20 years' standing (at the material time). Therefore, in our judgment, due cause is amply established for the First and Second OA 10 Charges.

Third and Fourth OA 10 Charges

50 We turn to the Third and Fourth OA 10 Charges which relate to the false representations made by the respondent to the Judge about his client's positions (as at [15]–[19] above). We agree with the DT that in relation to the Third OA 10 Charge, the respondent had, at the minimum, recklessly informed the Judge that his client wanted to apply to be "discharged" from the proceedings,

without caring about whether this statement was true or false (as at [30] above). It is trite that the making of a statement recklessly, not caring whether it was true or false, would be subjectively dishonest (*Loh Der Ming Andrew v Koh Tien Hua* [2022] 3 SLR 1417 at [62] citing *Udeh Kumar* at [34]–[36]). Accordingly, the respondent's conduct of telling the Judge that his client wanted to apply to be "discharged" from the proceedings was dishonest – and it was not necessary to evaluate if the respondent intended to deceive the Judge. As for the Fourth OA 10 Charge, we agree with the DT that the respondent's conduct of falsely representing to the Judge that he had instructions to continue acting for his client in the Suit was dishonest (as at [31] above).

51 Dishonest conduct by a solicitor is a severe and grave wrong. That is why misconduct involving dishonesty would usually invariably warrant a sanction of striking off where the dishonesty reveals a character defect rendering the errant solicitor unsuitable for the profession, or where it undermines the administration of justice (*Law Society of Singapore v Chia Choon Yang* [2018] 5 SLR 1068 ("*Chia Choon Yang*") at [39]). It is therefore our judgment that due cause is amply made out for the Third and Fourth OA 10 Charges.

The appropriate sanction to impose

52 Given that due cause is established, we turn to consider the appropriate sanction to be imposed on the respondent. As explained earlier (at [45] above), the various penalties found under s 83(1) LPA include censure, a monetary penalty, suspension from practice, and the ultimate punishment of being struck off the roll.

53 In the present case, since there were two separate DTs that were constituted to hear separate sets of offences, with OA 5 and OA 10 being

collectively brought before the C3J, the court would "naturally view the misconduct in totality and determine the appropriate sentence" (*Law Society of Singapore v Yap Bock Heng Christopher* [2014] 4 SLR 877 at [40]).

The applicable law

54 The determination of the appropriate sanction in disciplinary proceedings involves a consideration of the following principles (*Ravi (2023)* at [114]–[117]):

(a) the protection of members of the public who are dependent on solicitors in the administration of justice;

(b) the upholding of public confidence in the integrity of the legal profession;

(c) deterrence of similar defaults by the same solicitor and other solicitors in the future; and

(d) the punishment of the solicitor who is guilty of misconduct.

55 Of these principles, the paramount considerations are the protection of the public and the upholding of public confidence in the integrity of the legal profession. Ultimately, the critical question was "whether the solicitor in question is a fit and proper person to be an advocate and solicitor of the court" (*Law Society of Singapore v Ravindra Samuel* [1999] 1 SLR(R) 266 at [13]).

56 In *Chia Choon Yang* at [39], the C3J held that "misconduct involving dishonesty will almost invariably warrant an order for striking off where the dishonesty reveals a character defect rendering the errant solicitor unsuitable for

the profession, or undermines the administration of justice". This would typically be the case:

(a) where the dishonesty is integral to the commission of a criminal offence of which the solicitor has been convicted;

(b) where the dishonesty violates the relationship of trust and confidence inherent in a solicitor-client relationship; and

(c) where the dishonesty leads to a breach of the solicitor's duty to the court or otherwise impedes the administration of justice.

The C3J stated that in such cases, "striking off will be the presumptive penalty unless there are truly exceptional facts to show that a striking off would be disproportionate". Such cases with exceptional facts are extremely rare. The C3J also stated that personal culpability and mitigating factors generally have little relevance "in cases where the presumptive position of striking off applies, save that the court might entertain an application for reinstatement earlier than would otherwise be the case" (citing *Law Society of Singapore v Choy Chee Yean* [2010] 3 SLR 560).

57 As for cases where the misconduct does not involve dishonesty, the C3J in *Ravi (2023)* at [119] reiterated that the applicable approach is as follows (citing *Samuel Seow* at [41]):

(a) First, the court should consider whether the misconduct in question attests to any character defects rendering the solicitor unfit to be a member of the legal profession.

(b) Second, the court should consider whether the solicitor, through his misconduct, has caused grave dishonour to the standing of the legal profession.

(c) Striking off is the presumptive penalty if the answer to either (a) or (b) is yes. This presumption is only rebutted in exceptional circumstances.

(d) If the answer to both (a) and (b) is no, then the court will consider, upon close examination of the facts, whether there are circumstances that nonetheless render a striking-off order appropriate. The court should compare the case with precedents to determine the appropriate sentence, taking into account the aggravating and mitigating factors.

The respondent's history of misconduct

58 The respondent's long history of misconduct is a relevant consideration at the sanction stage as well. Section 83(5) LPA provides that "the court may in addition to the facts of the case take into account the past conduct of the person concerned in order to determine what order should be made". In this connection, the fact that a lawyer had previously committed a similar disciplinary offence is a "significant aggravating factor" (*Ravi (2023)* at [131] citing *Law Society of Singapore v Ng Bock Hoh Dixon* [2012] 1 SLR 348 at [35]). The respondent's history of antecedents and misconduct is summarised as follows:

Date of the respondent's misconduct	**Description of the respondent's misconduct**
Before October 2003	In *Law Society of Singapore v Ravi Madasamy* [2007] 2 SLR(R) 300 ("*Ravi (2007)*") (at [31]), the C3J observed that prior to his misconduct on 9 October 2003, Mr Ravi was

	previously disciplined by the Inquiry Committee of the Law Society: (a) In IC No 33/2000, a penalty of $500 was imposed for making disparaging remarks to the Deputy Public Prosecutor; and (b) In IC No 67/2003, a penalty of $500 was imposed for being discourteous to a High Court Judge.
October 2003	In *Ravi (2007)* (at [2]), Mr Ravi admitted to a number of actions that amounted to disrespect and rude behaviour before a district judge ("DJ") in open court proceedings. Mr Ravi admitted to: (a) turning his back on the DJ while being addressed; (b) remaining seated while being addressed by the said DJ; speaking in loud tones to the Prosecuting Officer whilst mention cases were being carried out, thereby interfering with the court proceedings; and (d) responding to the DJ in an unbecoming manner. Mr Ravi was suspended for a year by the C3J for this misconduct.
After October 2003	In *Ravi (2007)* (at [32]), the C3J observed that after his misconduct on 9 October 2003, Mr Ravi was involved in three further incidents where he was disciplined by the Inquiry Committee of the Law Society: (a) In IC No 15/2004, a penalty of $1,000 was imposed for acting without instructions while making submissions before a DJ; (b) In DC No 12/2004, a reprimand was issued for making improper and untrue remarks about the Singapore Prison Service and also threatening a prison officer with legal proceedings; and (c) In IC No 53/2004, a penalty of $200 was imposed for disorderly behaviour.
August 2006	In *Chee Siok Chin and another v Attorney-General* [2006] 4 SLR(R) 541, there was a heated exchange between Mr Ravi

	and the opposing counsel. The High Court Judge directed Mr Ravi to continue with his submissions and Mr Ravi accused the Judge of being biased and asked for her to recuse herself, which she refused to do. Subsequently, after Mr Ravi's application for the originating summons to be heard in open court failed, Mr Ravi and his clients walked out of the hearing in chambers and refused to continue to participate in the proceedings.
January 2011	In *The Law Society of Singapore v Ravi s/o Madasamy* [2012] SGDT 12 (at [5], [15] and [25]), Mr Ravi pleaded guilty to a charge of misconduct for claiming at a hearing in chambers that the High Court Judge was racially prejudiced. The DT took into account exceptional mitigating factors such as Mr Ravi's bipolar disorder, his resumption of medication and undertaking to continue with treatment, the remission of his bipolar disorder, his apology to the Judge on 1 February 2011, and his remorse, in imposing a penalty of $3,000 on him.
August 2013 to January 2014	In *The Law Society of Singapore v Ravi s/o Madasamy* [2014] SGDT 6 (at [3]–[7] and [33]–[42]), Mr Ravi pleaded guilty to seven charges of prematurely releasing various court documents relating to various legal proceedings to the media. The DT considered the various mitigating factors, such as Mr Ravi's apology and withdrawal of the statements when he was made aware of the complaint against him. The DT found that Mr Ravi's acts were the result of over-enthusiasm on his part and did not involve dishonesty, fraud or other serious acts. As a result, a monetary penalty of $7,000 was recommended.
January to February 2015	In *The Law Society of Singapore v Ravi s/o Madasamy* [2016] SGDT 7 (at [6], [9]–[11] and [51]–[61]), Mr Ravi was found guilty of a charge of failing to pay the client's money into a client account without delay and failing to pay the client's money on behalf of the client without delay. He also pleaded guilty to a charge of making inappropriate statements in public against his client. The DT considered the mitigating factor of Mr Ravi's mental illness. The DT further observed that there was no dishonesty or deceit in relation to the charge relating to the handling of the client's money. As such, the

	DT recommended a monetary penalty of $7,000 in total for the charges.
February 2015	In *The Law Society of Singapore v Ravi s/o Madasamy* [2015] SGDT 5 (at [2], [6] and [9]–[10]), Mr Ravi pleaded guilty to making inappropriate statements and false allegations about the Prime Minister, the Law Society, and various lawyers. His misconduct also included acting in an unruly manner at the premises of the Law Society. At the material time, Mr Ravi was a non-practising solicitor. In *Law Society of Singapore v Ravi s/o Madasamy* [2016] 5 SLR 1141 ("*Ravi (2016)*") (at [56]–[73]), the C3J considered various mitigating factors, the strongest of which was that Mr Ravi was not mentally well at the material time, and accepted that this was not a case of dishonesty. The C3J ordered that Mr Ravi be prohibited from applying for a practising certificate for a period of two years.
July 2019	In *The Law Society of Singapore v Ravi s/o Madasamy* [2020] SGDT 8 (at [245]–[246]), Mr Ravi was found by the DT to have intended to cast aspersions of bias against the prosecutors and a DJ. Although the DT found that Mr Ravi's misconduct did not rise to the level of establishing due cause, it recommended that a penalty of not less than $10,000 was appropriate.
October 2020	In *Ravi (2023)* (at [78]–[110], [144]), the C3J found Mr Ravi guilty of misconduct given the remarks he made which suggested improper conduct on the part of the Attorney-General, the then-Deputy Attorney-General, the prosecutors who had been involved in *Gobi a/l Avedian v Public Prosecutor* [2021] 1 SLR 180, and the Law Society. The C3J found that the appropriate sanction was a suspension of a maximum term of five years.
December 2020	In *Norasharee bin Gous v Public Prosecutor* [2021] 2 SLR 140 (at [30]–[37]), in his written submissions, Mr Ravi accused the trial judge several times of "apparent bias by prejudgment". The Court of Appeal observed that such submissions by Mr Ravi lacked courtesy. His harsh criticisms about the prosecution and investigating officers were observed to be unwarranted as well.

November 2021	In *Attorney-General v Ravi s/o Madasamy and another matter* [2023] SGHC 78 (at [129]), Mr Ravi was found to be in contempt of court for accusing the DJ of being biased, for intentionally interrupting the DJ, and for twice offering insults to the DJ. In *Attorney-General v Ravi s/o Madasamy and another matter* [2024] 3 SLR 1642 (at [2], [90]–[92]), Mr Ravi was sentenced to a global sentence of seven days' imprisonment for these instances of contempt before the DJ.
March 2022	In *Nagaenthran a/l K Dharmalingam v Attorney-General and another matter* [2022] 2 SLR 211 (at [22]), Mr Ravi was granted leave by the Court of Appeal to sit beside the appellant's counsel during the hearing to provide technical support, which counsel clarified was limited to handing her documents when she asked for them. However, it became obvious that counsel would not take any position relating to the case without Mr Ravi's substantive inputs. Almost every answer counsel gave in response to questions from the court was preceded by an often-extended hushed discussion with Mr Ravi. The Court of Appeal observed that this was embarrassing as Mr Ravi was not permitted to act as a solicitor at that time, and it was also disrespectful as such conduct was carried on in a manner that was wholly contrary to what counsel had conveyed to the court.

Our decision

59 Notwithstanding that the respondent's long history of antecedents and misconduct is troubling, two things stand out. First, although on many previous occasions, the respondent was found guilty of improper conduct, there was no express finding of dishonesty against him. This is no longer the case in the present application. Second, in many instances where the respondent was found guilty of improper conduct, the mitigating factor of his mental illness weighed in his favour. This is also no longer the case in the present application.

60 As will be recalled, the respondent does not dispute the findings of dishonesty in relation to the Third and Fourth OA 10 Charges. In our view, there are no reasons to suggest that the DT had erred in making these findings. Accordingly, the inquiry should be focused on whether the respondent's dishonesty is of the kind that "invariably warrant[s] an order for striking off" as per *Chia Choon Yang* at [39].

61 In our judgment, the respondent's dishonesty in relation to the Third and Fourth OA 10 Charges goes towards violating the relationship of trust and confidence inherent in a solicitor-client relationship. This is because he not only conducted the case in a manner without taking instructions from the client, but it also appears that he has conducted the case contrary to the client's interests. He falsely represented to the Judge that his client wanted to be "discharged" from the proceedings. In other words, he told the Judge that his client wanted to withdraw the Suit and drop the case. However, this was contrary to his client's interest and intention to pursue the action. Moreover, the respondent had acted without instructions against the client's interests more than once. He subsequently falsely represented to the Judge that he had instructions from the client to continue acting for him in the Suit, when the client had already informed him earlier that he was to be discharged. He did not even inform the client about this, as he omitted to copy his client in the e-mail sent to the Registry, while copying other relevant parties.

62 The respondent's conduct of acting without his client's instructions, and against them, can only be described as one of the most serious breaches of trust and confidence that can occur in a solicitor-client relationship. Clients trust solicitors to *only* act on their instructions. They trust their solicitors to follow their instructions. That is the basic foundation of a solicitor-client relationship. By choosing to act without taking any instructions, and even more egregiously,

in acting contrary to instructions given, the respondent has turned the solicitor-client relationship on its head. This goes directly towards undermining the administration of justice. For there to be proper administration of justice and for the legal system to work properly, the public needs to be able to trust that solicitors will act only in accordance with instructions given.

63 In our judgment, since the respondent's conduct of acting without his client's instructions, and against them, strikes at the heart of the solicitor-client relationship, and by extension, the administration of justice, this warrants an order of striking off. We are of the view that there are no "truly exceptional facts to show that a striking off would be disproportionate". The respondent's bipolar disorder is not a personal mitigating circumstance that should carry any meaningful weight in relation to his dishonest conduct here, such that a sanction of striking off would be disproportionate. We agree with the applicant that the medical reports did not establish how the respondent's bipolar disorder contributed to his misconduct. Dr Yeo Chen Kuan Derrick's report dated 6 December 2021 did not assess the respondent's conduct between 22 and 24 November 2021. Dr Lim Kim Wei's report dated 28 June 2022 was not a contemporaneous assessment of the respondent's psychiatric condition. Dr Lim opined that the respondent was "not of unsound mind at the material time of alleged offences". It was also material to us that the medical reports did not suggest that the respondent was unaware of his actions, incapable of knowing the nature of his actions, and incapable of discerning whether they were right or wrong.

64 In any event, as the C3J in *Chia Choon Yang* stated at [39], mitigating factors generally have "little relevance in cases where the presumptive position of striking off applies, save that the court might entertain an application for reinstatement earlier than would otherwise be the case". This is further

buttressed by the C3J's comments in *Ravi (2016)* at [40] where it was stated that "in disciplinary proceedings against solicitors, personal mitigating circumstances that diminish the culpability of the solicitor who has misconducted himself will have less weight than would be the case in criminal proceedings". This is because (*Ravi (2016)* at [40]–[41]):

> 40 … in the criminal context, the search for an appropriate punishment is driven by the usual sentencing considerations including deterrence and retribution, and in that context, the personal culpability of the offender will often have a direct bearing.
>
> 41 Unlike the situation in criminal proceedings however, in disciplinary proceedings against errant lawyers, the paramount considerations are first, the protection of the public, and second (and this is closely related to the first), upholding public confidence in the integrity of the legal profession. We say that the second consideration is closely related to the first because confidence in the legal profession is integral to the administration of justice, which impacts on the daily lives of members of the public in many respects. The concerns of punishing the solicitor and of deterring him are lower order concerns in the sense that the sanctions imposed by the court should be driven in the first instance by ensuring that the public, and then the profession, are adequately protected from the risk of harm; and only after that, by the concern of calibrating the punitive aspect of the sanction according to the personal culpability of the solicitor. What this means in practical terms is that a sanction that disables the solicitor from practising for a time may be warranted by the need to protect the public and uphold confidence in the integrity of the profession even if that sanction might seem excessive if one looked at it purely from the perspective of whether, having regard to the actual culpability of the offender, the sanction was appropriate in the circumstances.

65 We add that the above findings premised on the respondent's dishonest conduct in relation to the Third and Fourth OA 10 Charges does not detract from the seriousness of the respondent's misconduct in relation to the First and Second OA 5 and OA 10 Charges. As we have explained (at [47] above), the respondent's false and misleading allegations against the President and the PMs were gravely irresponsible, wholly improper, and completely unacceptable.

Such unwarranted and unjustified attacks on important public institutions cannot be made, lest they erode the public's trust and confidence. The respondent's disruptive and rude behaviour to the Judge, as well as his making of baseless allegations of biasness against the Judge was wholly unacceptable and grave too (at [48]–[49] above). Such acts go towards undermining the administration of justice and must be met with stiff penalties. In our judgment, the seriousness of the respondent's misconduct in relation to the First and Second OA 5 and OA 10 Charges would have warranted the striking off of the respondent independent of the findings of dishonesty in relation to the Third and Fourth OA 10 Charges.

Conclusion

66 For the reasons above (at [47]–[51]), we find that there is due cause for disciplinary action, and taking into account the respondent's misconduct in OA 5 and OA 10 in totality, the appropriate sanction is striking off (at [59]–[65] above).

67 As for costs of the application, costs are to be fixed at $10,000 each for OA 5 and OA 10, with reasonable disbursements to be taxed if not agreed. The applicant in OA 10 is also granted the other costs which it asks for:

(a) the costs of the proceedings before the DT in the sum of $3,000;

(b) the disbursements for the proceedings before the DT in the sum of $2,744.14; and

(c) the disbursements for the record of proceedings of the DT in the sum of $391.40.

68 Finally, the respondent has in his written submissions and at the oral hearing expressed hope that he would be able to practise law again in Singapore in the future, and his wish to get past his issues. We agree he should focus on getting past his various issues and will consider his fitness to resume his practice of law at the appropriate time when such an application is before us.

Sundaresh Menon
Chief Justice

Tay Yong Kwang
Justice of the Court of Appeal

Steven Chong
Justice of the Court of Appeal

Ong Boon Hwee William, Chua Xinying and Seth Yeo Ao-Wen (Allen & Gledhill LLP) for the applicant in OA 5;
Leong Yi-Ming and Linda Shi Peifeng (Allen & Gledhill LLP) for the applicant in OA 10;
Eugene Singarajah Thuraisingam and Ng Yuan Siang (Eugene Thuraisingam LLP) for the respondent.