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

[2024] SGHC 61

Admissions of Advocates and Solicitors 317 of 2023

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

And

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

And

In the matter of Ong Pei Qi, Stasia

Ong Pei Qi, Stasia

… *Applicant*

GROUNDS OF DECISION

[Legal Profession — Admission]

Re Ong Pei Qi Stasia

[2024] SGHC 61

General Division of the High Court — Admission of Advocates and Solicitors
No 317 of 2023
Sundaresh Menon CJ
27 February 2024

8 March 2024

Sundaresh Menon CJ:

Introduction

1 HC/AAS 317/2023 ("AAS 317") concerned an application by Ms Ong Pei Qi Stasia (the "applicant") for admission as an advocate and solicitor of the Supreme Court. In view of the applicant's academic misconduct during her period of study at the National University of Singapore's (the "University") Faculty of Law ("NUS Law"), the Attorney-General ("AG") and the Singapore Institute of Legal Education ("SILE") had previously sought an adjournment of the application for five months, and the applicant had agreed to the same. I refer to this as the "period of deferment" because its effect was to defer consideration and disposal of the application. The period of deferment ended on 20 January 2024 and the application was then listed for hearing. At the hearing before me on 27 February 2024, I found that the applicant was a fit and proper person and I admitted her as an advocate and solicitor. These are the grounds for my decision.

Facts

2 I begin by briefly recounting the facts which led to the present application. On 28 April 2020, nearly four years ago, the applicant, who was an undergraduate student at the time, sat for an open-book examination accounting for 70% of her grade for a module. Her answers were typed and for one of the essay questions, the applicant "copied and pasted [some text] from [a set of] muggers notes" (these being notes passed down from senior students) onto her answer. The text in question was in fact taken from the sample essay of a student who was her senior. On 19 May 2020, the applicant received an email from NUS Law requiring her to attend an inquiry.

3 On 22 May 2020, NUS Law convened an inquiry into the applicant's potential commission of an academic offence (the "Inquiry"). A member of the University staff sought an explanation for the fact that the applicant's answer to that essay question bore substantial similarities to the answers to the same question that had been submitted by three other students. The applicant explained that she had been working on her draft exam answer with two separate Microsoft Word documents opened on her computer and that she had been amending them simultaneously. One document contained the sample essay with slight amendments and the other document contained a copy of the same sample essay which she was "working to amend afresh". She elaborated that she had submitted the "wrong" document when she submitted the document bearing the slight amendments. This therefore implied that the applicant had prepared a separate document which she had substantially amended and which did not bear substantial similarities to the answers submitted by the three other students. In truth, there was no such document. Accordingly, when the applicant made the statement that that she had "accidentally" submitted the "wrong" document, this was an untrue statement. I refer to this statement as the "Untrue Statement".

4 The University was initially unaware of the Untrue Statement, and independent of the applicant's dishonesty during the Inquiry, the University found the applicant to have committed the academic offence of plagiarism, which I refer to as the "Academic Offence". As a penalty, the applicant was awarded zero marks for that essay question. The applicant subsequently completed her undergraduate studies without any further issues or incidents.

5 On 15 May 2023, the applicant filed her application for admission to the Bar. In her first affidavit dated 31 July 2023 filed in support of her application, the applicant disclosed that not only had she committed the Academic Offence, but she had also made the Untrue Statement during the Inquiry.

6 Prior to filing her first affidavit, the applicant had contacted the University staff member who had communicated with her earlier during the Inquiry and asked "how [the Academic Offence] might affect my application to be called to the bar". In a series of email exchanges from 13 March to 28 March 2023, the University staff member replied that it was "[u]nlikely to have an effect" and that the incident was "water under the bridge". Nonetheless, the University staff member advised the applicant to take it up with the current Vice Dean of Academic Affairs or another faculty member. It was at this point that the applicant came clean in her email dated 30 March 2023 to the University staff member; she confessed that she had made the Untrue Statement in the course of the Inquiry, stated that she was "extremely regretful of [her] actions, and would like to own up to [her] past mistakes" and also noted that she should have come clean sooner. In an email dated 31 March 2023, the University staff member thanked the applicant for disclosing the falsity of the Untrue Statement, but also indicated that he was "not sure if it [wa]s absolutely necessary to do so at this point in time since what is on record stays on record. But nonetheless

[she had] opened Pandora's Box and [he] will leave the current administration to deal with this."

7 Following the applicant's disclosure of the Untrue Statement, her grade for the affected module was revised downward from 'C' to 'D'. Upon further review by the University's Office of Student Conduct, a letter of warning was issued to the applicant instead of her being charged for her misconduct in having been dishonest in the course of the University's disciplinary investigations.

8 The applicant subsequently filed her application for admission on 15 May 2023, and made full disclosure of her past misconduct in the supporting affidavit. On 31 August 2023, both the AG and SILE took the position that the applicant was not a fit and proper person to be admitted to the Bar at that point in time and sought a period of deferment of five months to allow the applicant to reflect on her actions. The Law Society of Singapore, however, did not object to her application being dealt with at that time, without the need for any deferment. The applicant agreed to the deferment and as a result, the matter was not listed for hearing and disposal at the time.

9 The period of deferment came to an end on 20 January 2024 and the matter was then restored for hearing, with none of the stakeholders objecting to the application.

The parties' positions

The applicant's position

10 The applicant submitted that she was now a fit and proper person to be admitted to the Bar. She accepted that the nature of her misconduct and actions during the Inquiry was such that she had fallen short of the conduct expected of

one aspiring to be called to the Bar. However, the applicant submitted that her voluntary disclosure of the Academic Offence and the Untrue Statement weighed in her favour. These disclosures showed her genuine remorse. She further submitted that she has since shown evidence of rehabilitation through the passage of three years since the Academic Offence, her clean record in NUS since then, and her productive stint at a law firm during which she had the opportunity to engage in *pro bono* work. These have allowed her the opportunity to understand the ethical obligations of a lawyer as an officer of the Court.

The Attorney-General's position

11 The AG no longer objected to the applicant's application. As to the nature of the applicant's misconduct, the AG submitted that the benefit of the doubt should be given to the applicant because there was no evidence that she had intended to deceive NUS in submitting her senior's work as though it were her own. Her conduct during the Inquiry in which she made the Untrue Statement added to the seriousness of her misconduct, justifying the five-month period of deferment. Notwithstanding the seriousness of the applicant's misconduct, the AG acknowledged the applicant's "evident willingness to take responsibility for her mistakes", as evinced in her voluntary disclosure of the Academic Offence and the Untrue Statement. The applicant had shown remorse through her voluntary disclosure and had since applied herself well to her rehabilitation throughout the remainder of her legal studies and practice training.

The Law Society of Singapore's position

12 The Law Society of Singapore maintained the position it held since 31 August 2023, which was that it did not object to the applicant's application. It noted that the applicant had been transparent about her misconduct concerning

the Academic Offence and the Untrue Statement from the outset and had specifically mentioned both these matters in her first affidavit dated 31 July 2023 filed in support of her admission application. She had remedied her misconduct through her voluntary disclosure of the Untrue Statement, showing her understanding of the ethical implications of her misconduct. Finally, the applicant had shown herself to be genuinely remorseful and sufficiently rehabilitated as indicated by her candour, the absence of any subsequent re-offending and her productive stint at a law firm as a paralegal.

SILE's position

13 SILE also no longer objected to the applicant's application. SILE submitted that it was satisfied that the applicant had sufficiently reflected on her wrongdoing and gained sufficient insight into her misconduct, thus indicating that her character issues have been resolved. This was supported by the applicant's stint at a law firm, her reflections, and testimonials from her former supervising solicitor and a senior member of the bar.

Whether the applicant is a fit and proper person to be admitted

14 The sole question for my determination in AAS 317 was whether the applicant had proven herself to be a fit and proper person to be admitted as an advocate and solicitor. The parties were on common ground that the requirements to be considered in assessing an application for admission as an advocate and solicitor are set out in my earlier decision in *Re Tay Jie Qi and another matter* [2023] 4 SLR 1258 ("*Re Tay Jie Qi*") as follows, at [3]–[4]:

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

[Emphasis in original]

15 In the circumstances before me, I was satisfied that the applicant had sufficiently demonstrated that she had learned from her past misconduct.

16 The applicant's misconduct in passing off her senior's work as her own was no doubt serious in nature. The applicant accepted that she did, in fact, "appreciate that submitting [her senior's sample essay] would amount to plagiarism." That the applicant had made the Untrue Statement in the course of the Inquiry added to the gravity of her misconduct.

17 While the seriousness of the applicant's misconduct could not be gainsaid, I found it most encouraging that the applicant, of her own accord, made full disclosure of her misconduct in her affidavit in support of her admission application. This cast a very positive light, not just on her appreciation that what she had done was wrong, but more importantly on her genuine desire to come clean and to make a fresh start on the right footing. This much is evident from the tenor of her email exchanges with the University staff member, which I have outlined above. I had the clear impression that she struggled with what she had done, and in particular with the fact that she alone knew she had also acted wrongly in making the Untrue Statement. As far as she was concerned, this was *not* "water under the bridge", for though water had indeed flowed on as far as others were concerned, it had not, as far as *she* was concerned. Indeed, it was unresolved in her mind because she had not been held to account for what she had done.

18 The applicant's disclosure of the Academic Offence at the first opportunity when she filed her admission affidavit weighed significantly in her favour: *Re Tay Jie Qi* at [18]. She disclosed the fact of her having committed the Academic Offence notwithstanding that it had been filed as an internal disciplinary record within NUS. And, the applicant went even further by

disclosing, both to the University and to the stakeholders that she had made the Untrue Statement years earlier in the course of the Inquiry. But for this, neither the University nor the stakeholders would have uncovered this fact. I do observe that when the applicant did raise with a member of the University staff the fact that she had made the Untrue Statement, she was met with a response which seemed to suggest it might not have been necessary for her to have raised this (see above at [6]). If that was the intention, I found it surprising. It is to the applicant's credit that she persisted in making the disclosures, and it seemed clear to me from the tenor of her exchanges that she had done this out of a genuine sense of remorse. Her candour and courage in owning up to her mistakes, even to one that had not yet been uncovered, were very good signs of reform.

19 Her conduct in this regard sets a positive example of what aspiring lawyers should strive for in such circumstances. The applicant had come to the commendable realisation that the fact that her wrongdoing had not been discovered did not change the fact that *she had done wrong*; and I found it a remarkable demonstration of her appreciation of her duty of candour to the Court, that she was not content to proceed with her application without disclosing to the Court and the stakeholders the full details of what had transpired.

20 The extent of the applicant's disclosures stood in contrast to the case of *Re Suria Shaik Aziz* [2023] 5 SLR 1272 where I observed in relation to the applicant there that he had not been fully forthright in failing to disclose the full extent of his misconduct. In that case, although the applicant had disclosed his plagiarism in respect of his research paper, he omitted to disclose a related incident in which he had been cautioned for having plagiarised his research outline for the same research paper. In the present case, the applicant had not

only fully disclosed the circumstances surrounding her Academic Offence but had also volunteered the disclosure of the Untrue Statement.

21 Her voluntary disclosures reflected her willingness to right past wrongs and represented a very significant step in her rehabilitation. Nothing in the materials before me suggested that the applicant continued to lack ethical insight into her misconduct. As I earlier stated in *Re Tay Jie Qi* at [16], the passage of time since Ms Tay's misconduct in that case was a "weighty factor" as it served as evidence of the applicant's remorse and her capacity for change and rehabilitation. Similarly, a lengthy period of more than three years had passed since the applicant's misconduct which occurred in the second semester of her second year in NUS Law. Having undergone a further period of deferment that in effect had lasted more than five months, she has had the opportunity to reflect on her misconduct and to understand the ethical implications of the same in the course of her training contract with her firm.

Conclusion

22 The purpose of deferment in admission applications is not to punish, but to rehabilitate – by affording the applicant an opportunity to resolve her character issues and for the stakeholders to regain confidence in the applicant's suitability to be admitted: *Re Tay Jie Qi* at [4]; *Re Wong Wai Loong Sean and other matters* [2023] 4 SLR 541 at [27]. In light of the applicant's candour from the inception of her admission application, the lessons she has learnt in the course of her training including during the exclusion period, the references that were provided by her supervising solicitor and another senior member of the Bar, and the fact that all relevant stakeholders did not object to the applicant's admission application, I did not consider any further deferment of the

application to be necessary. I was satisfied that the applicant was a fit and proper person to be admitted and I duly enrolled her and welcomed her to the Bar.

Sundaresh Menon
Chief Justice

Lim Wei Loong Ian and Elizabeth Tan (TSMP Law Corporation) for the applicant;
Jeyendran Jeyapal and Chow Zi En (Attorney-General's Chambers) for the Attorney-General;
Darryl Chew Zijie (Chia Wong Chambers LLC) and Kimberly Ng (Salem Ibrahim LLC) for the Law Society of Singapore;
Chong Soon Yong Avery (Avery Chong Law Practice) for the Singapore Institute of Legal Education.