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

[2025] SGHC 72

Admission of Advocates and Solicitors No 561 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

Pulara Devminie Somachandra

… *Applicant*

GROUNDS OF DECISION

[Legal Profession — Admission]

Re Pulara Devminie Somachandra

[2025] SGHC 72

General Division of the High Court — Admission of Advocates and Solicitors
No 561 of 2023
Sundaresh Menon CJ
1 October 2024

7 August 2025

Sundaresh Menon CJ:

Introduction

1 The process by which a lawyer is admitted as an advocate and solicitor of the Supreme Court is one of great importance because of the vital need to jealously guard the honour of the profession, and to maintain public confidence in the legal profession (and consequently in the administration of justice) (see *Nathan Edmund v Law Society of Singapore* [2013] 1 SLR 719 at [25], and *Re Nirmal Singh s/o Fauja Singh* [2001] 2 SLR (R) 494 at [20]). This is a matter of such significance that, in *Re Mohamad Shafee Khamis* [2024] SGHC 274 at [120], I elaborated on what I termed the "Protective Principle", which would warrant the need, in certain circumstances, to defer the admission of a candidate who might by certain yardsticks be considered suitable. This would arise where to allow the admission application at the time it was made would present a real risk of undermining public trust in the legal profession.

2 By the time the present application (the "Application") was heard, it was common ground that the applicant (the "Applicant") was not a fit and proper person. The key questions I had to consider was whether I should dismiss her application for admission or permit her to withdraw it; and in either case, whether I should impose a minimum period during which she was not to bring a fresh application for admission (the "Minimum Exclusionary Period") and if so, for what length of time.

3 Shortly after the hearing in October 2024, the Applicant made an application for her identity to be redacted, which was supported by a medical memorandum of a psychiatrist stating that the Applicant reported some suicidal ideation and that the publication of a non-anonymised judgment posed an immediate risk to the Applicant's health and safety. In the circumstances, I considered it appropriate to have the Applicant undergo a psychiatric evaluation at the Institute of Mental Health (the "IMH"), and I so directed. After some five months or so had passed since the time of my direction in November 2024, there was still no reliable indication of when the report by the IMH would be forthcoming.

4 As I observed in *Re Tay Quan Li Leon* [2022] 5 SLR 896 ("*Leon Tay*") at [17], the principle of open justice demands that justice is not only done but seen to be done, and this is of especial importance in proceedings concerning the legal profession. While this must be balanced against the concern that the publication of a litigant's name may result in grave and disproportionate harm (see *Leon Tay* at [25]), the publication of the court's grounds of decision cannot be held in abeyance indefinitely, particularly where its reasons may have relevance to the wider community. Given the extended time taken in connection with the Applicant's psychiatric assessment, I published these grounds on 21 April 2025 on an anonymised basis for a fixed interim period. I indicated

that if, by the expiry of that period, the Applicant failed to request a continuance of the anonymisation supported by at least a provisional psychiatric recommendation, the application for anonymisation may be dismissed and consequential steps may follow, including the publication of these grounds in unredacted form. As the IMH report has since been provided and the parties have had the opportunity to submit on the issue of anonymisation, I now re-publish these grounds in unredacted form. My reasons for lifting the anonymisation are set out in *Re Pulara Devminie Somachandra* [2025] SGHC 155.

Facts

The Part A Finding

5 The Applicant graduated in 2019 from a university based in the United Kingdom (the "University") and was 28 years old when this application was heard. She first attempted the 2020 Session 1 Part A Bar Examinations conducted by the Singapore Institute of Legal Education (the "SILE"), where she failed the Company Law and Evidence Law examinations. She re-attempted the Evidence Law paper in the 2020 Session 2 Part A Bar Examinations (the "Evidence Law Paper"), which was conducted on 21 October 2020. Amongst the other repeat candidates who attempted that paper at that session was one Ms Tan ("Ms Tan").

6 Like the 2020 Session 1 Part A Bar Examinations, the 2020 Session 2 Part A Bar Examinations were conducted remotely in light of the prevailing Covid-19 situation. As a result, an additional set of "Remote Exam Rules" were in place, which provided for the manner of submission of the answers and the cut-off time for such submission. Those rules also permitted candidates to make

multiple submissions before the cut-off time but on terms that the last file submitted would be regarded as having superseded all the earlier submissions.

7 The Remote Exam Rules expressly prohibited the candidates from communicating with each other and from any form of collaboration during the examinations. On 12 October 2020, some days prior to the Evidence Law Paper, the Applicant acknowledged that she had read the Remote Exam Rules, which stated, among other things, that:

> 3. You must not collaborate, consult or communicate with any one or any entity (other than SILE) in any manner during the Exams. Anyone who does this (and those who assist them) can expect to be dealt with severely. If you are found to have collaborated, consulted or communicated with any one or any entity (other than SILE) in any manner during the Exams, you would be required, when seeking admission as an Advocate and Solicitor, to declare the incident in your affidavit of admission as an Advocate and Solicitor, and SILE may object to your admission as an Advocate and Solicitor.

8 The Evidence Law Paper was made available for download from the SILE online portal, "SILE Campus", at 9.30am on 21 October 2020, and candidates were required to upload their answers by 11.45am. The cover page of the Evidence Law Paper contained, *in bold red letters*, the following extract of the Remote Exam Rules:

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

9 For the Evidence Law Paper, the Applicant submitted four answer scripts in total. Three of the answer scripts were submitted through SILE

Campus before the cut-off time at 11.40am, 11.44am, and 11.45am. These three files were identical in content, with a very short answer for Question 1 of the Evidence Law Paper, comprising only one paragraph and two bullet points, and a fuller answer for Question 2 containing 11 substantive paragraphs.

10 However, the Applicant subsequently notified the SILE Secretariat at 11.48am on the same day that she had encountered some issues when attempting to submit her answer. She was told to write in, and to submit the correct file using a backup email address. It was undisputed that the Applicant submitted the final answer script using the backup email address at 11.48am, and that the answer script contained a significantly fuller answer for Question 1 as compared to the three answer scripts submitted earlier. The SILE Secretariat sent the answer script submitted at 11.48am for marking. Ms Tan had no issues with her submission and her answer script was submitted at 11.44am.

11 On 21 October 2020, the Evidence Law answer scripts were sent to be marked by the Subject Coordinator, Professor Jeffrey Pinsler SC ("Prof Pinsler"). At the same time, the SILE Secretariat ran the Evidence Law answer scripts through a plagiarism checking software to pick up scripts which had extensive similarities, as this might suggest improper collaboration between candidates. The answer scripts of the Applicant and Ms Tan were flagged with 80% similarity and 32 blocks of matching texts. This was the highest level of similarity for any pair of scripts in the Evidence Law examination. Significantly, there had been 19 blocks of matching text in respect of Question 1, which was strongly probative of collaboration and, specifically, pointed to the inference that the Applicant had supplemented her answer for Question 1 with Ms Tan's between 11.45am and 11.48am on the day of the exam (see [10] above).

12 SILE sent the results to Prof Pinsler and sought his opinion as to whether the Applicant and Ms Tan had collaborated. Prof Pinsler responded as follows:

> I am satisfied beyond a reasonable doubt that there has been collaboration for the following reasons:
>
> (1) The chronology or the structure of the answers is identical. This would be extremely unlikely if the students had been working independently.
>
> (2) I have shaded in purple much of the text in both scripts (please see the attached document). The purple shaded text shows an identical approach towards the questions. The students could not have merely cut and pasted from a common source because a common source would not have referred to the questions (which are completely unique and have never [been] set before).
>
> (3) It is clearly discernable [*sic*] from the writing style that words are changed or added or that paragraphs are separated to avoid the impression of collaboration.
>
> (4) Both students refer to s 6 of the Sedition Act, which is wholly irrelevant. I don't recall any other student referring to this provision. This is indicative of collaboration. …

13 The SILE Secretariat subsequently checked and found that aside from the Applicant and Ms Tan no other candidate had mistakenly referred to s 6 of the Sedition Act (Cap 290, 1985 Rev Ed) (the "Sedition Act").

14 In early December 2020, the SILE Secretariat reported the matter to the Board of Examiners of the SILE (the "Board of Examiners") and informed them that further investigations would be carried out to establish whether the candidates in question had collaborated during the examinations. The SILE then invited the Applicant and Ms Tan to attend at the SILE for separate interviews. During the interviews, the candidates were each shown the Remote Exam Rules as well as a side-by-side comparison of their two scripts. They were asked to explain why there was such a high degree of similarity between their answer

scripts, and whether they had collaborated with each other during the examinations.

15 At the conclusion of their interviews, the Applicant and Ms Tan were each informed that they could make written representations to the SILE by 5pm of the following day, to address the matters discussed during the interviews, if they wished. The candidates were allowed to keep the side-by-side comparison document. Both of them submitted their respective written representations within the stipulated time and no request was made for an extension of time.

16 In summary, the Applicant and Ms Tan explained that the "stark similarity" in their answer scripts was because they had relied on a "single document" containing "stock paragraphs" which they had jointly prepared just before the examination and relied on during the examination. The Applicant stated that she no longer had this "single document" as she "ha[d] deleted the document". She further stated that she had "prepare[d] a fresh set of notes for each 'lap' of [her] revision and usually d[id] not save them unless [she had] to send or share the document with [her] friends".

17 As for Ms Tan, she too was not able to produce the "single document" that she claimed to have relied upon, but instead provided extracts from other sources of notes which had similar texts of stock paragraphs. She explained that she "did not consciously save a lot of the documents unless they formed a larger part of notes that were from seniors or other friends". She also said that she "did not think too much about storing … the singular document afterward because I would have the original base notes". The Applicant and Ms Tan also stated that because they had studied extensively with each other, including attempting the same practice questions and having frequent discussions on how they should

approach or answer the questions, they developed the same way of approaching issues and answering questions, and the same writing style.

18 The Board of Examiners concluded that the Applicant had collaborated with Ms Tan for the Evidence Law Paper and determined that they both failed the paper. I refer to this as the "Part A Finding". It was also decided by the Board of Examiners that in respect of the subjects they had failed, the Applicant and Ms Tan could re-sit the examinations in April 2021 (during the 2021 Session 1 Part A Bar Examinations). This was all communicated to the Applicant on 4 January 2021.

19 The Applicant replied in the evening on the same day, stating that she "vehemently disagree[d]" that there had been any collaboration. Subsequent email communications between the Applicant and the SILE Secretariat related only to the Applicant's registering to re-sit the papers she had failed. In 2022, the Applicant passed Part A of the Bar Examinations on her fifth attempt. In 2023, she passed Part B of the Bar Examinations.

Applicant's failure to disclose the Part A Finding

20 On 21 June 2023, the Applicant filed the present Application. On 17 October 2023, she filed her first supporting affidavit (the "Admission Affidavit"), declaring at paragraph 7(j) that she had "no knowledge of any fact that affects [her] suitability to practise as anadvocate [*sic*] and solicitor in Singapore or as a legal practitioner (by whatevername [*sic*] called) elsewhere".

21 On 25 October 2023, the SILE wrote to the Applicant highlighting that she had not made any declaration pertaining to the Part A Finding in the Admission Affidavit. The SILE asked the Applicant to file a supplementary affidavit declaring the Part A Finding and explaining why she had not disclosed

this in her Admission Affidavit. The Applicant filed her first supplementary affidavit (the "First Supplementary Affidavit") dated 30 October 2023, and on the Attorney-General Chambers's (the "AGC") request, filed her second supplementary affidavit (the "Second Supplementary Affidavit") on 24 January 2024.

22 In her First Supplementary Affidavit, the Applicant claimed that she "genuinely believe[d]" that the Part A Finding was "akin to an informal warning, and [she] would not need to declare this incident". She then said that this belief was:

> … premised off an enquiry made sometime between 15 December 2020 to 5 January 2021 with a staff/ representative of the SILE in respect of what was an investigation similar to the nature of the one I was subject[ed] to meant. [*sic*] I was then told that given the novel nature of the Remote Examination there was no prior instance of a similar situation. Nevertheless, a ***likely repercussion would be an ineligibility for the subsequent session or sessions of the Part A and/or Part B examinations and/or having to declare the incident in my call application***. I regret that I do not recall any greater detail surrounding this conversation but have attempted to the best of my ability [to] provide all relevant details where possible. [emphasis added]

Notably, even on the Applicant's account, she had been told that a "likely repercussion" would be that she would have to declare the incident in her call application.

23 In her Second Supplementary Affidavit, she stated that "[d]ue to the obfuscation of the process and receipt of mixed communication on the matter", she "genuinely believed that the incident was not pursued further". Her understanding was that "if there was an adverse finding, [she] would be informed in due course, of the need to declare the incident in [her] affidavit when applying for admission". Hence, she "genuinely believed that the incident

was not pursued further". While she stated in her First Supplementary Affidavit that she did not recall in "greater detail" the circumstances surrounding her belief (see [22] above), she appeared in her Second Supplementary Affidavit to qualify the initial account given:

> (a) In particular, she claimed that on 15 December 2020, after being interviewed by the SILE in connection with her answer script, the Applicant asked Ms Lina Tong ("Ms Tong") who was the Head of Operations for the Part A Bar Examinations and Foreign Practitioner Examinations, "what the possible outcomes might be". The Applicant said that she was told that "*should there be an adverse finding*, [she] would be ineligible to sit for the subsequent session or sessions of the Part A and or [*sic*] Part B examinations and/or would also have to declare the incident in [her] affidavit when applying for admission to the Bar" [emphasis added]. The Applicant further claimed that she was told by Ms Tong that she "*would receive further notification surrounding this in due course*" [emphasis added].
>
> (b) She also claimed that on 5 January 2021, she telephoned Ms Tong, after the Part A Finding was communicated to her a day earlier, and asked "if there was anything else that [she] had to take note of in respect of the outcome letter", and was told that she "should acknowledge the outcome letter". This was allegedly the "only" thing that Ms Tong flagged to her attention. According to the Applicant, "[t]he lack of details on the appeal process and the need to declare the incident let [*sic*] [her] to believe that this incident did not warrant declaration".

24 The Applicant's account in the Second Supplementary Affidavit thus appeared to suggest that Ms Tong told her to disclose the incident only if there

was an "adverse finding" and that she would receive "further notification" on the need to disclose in due course. It was implicit in this claim that Ms Tong's alleged omission to especially mention that the Applicant would have to declare the Part A Finding in the Application meant that the Applicant did not have to do so. Even accepting for the moment, the factual narrative that the Applicant put forward, I did not accept the contention that the Applicant advanced. The nature of the duty of candour that is owed to the court *by an applicant for admission*, means that it falls upon that applicant to assess what needs to be disclosed, and if there is any doubt at all, this must be resolved in favour of disclosure: see *Attorney-General v Shahira Banu d/o Khaja Moinudeen* [2024] 4 SLR 1324 at [44] and *Public Trustee and another v By Products Traders Pte Ltd and others* [2005] 3 SLR(R) 449 at [34].

25 However, the Applicant's account was flatly contradicted by Ms Tong, who deposed in her affidavit that on 15 December 2020, the day of the Applicant's interview with the Board of Examiners, she avoided directly communicating with the Applicant "as far as possible" as she was mindful of the SILE's protocol in handling sensitive matters of this nature, which was to communicate with the concerned parties in writing (instead of verbally) so that proper records could be kept, and to prevent miscommunication. Therefore, contrary to what the Applicant had alleged (see [23(a)] above), Ms Tong stated that she could not, and did not to her recollection, explain or advise the Applicant on the "possible outcomes" of the investigation. Neither did she recall telling the Applicant that the latter "would receive further notification surrounding [whether she would have to declare the incident in her Admission Affidavit] in due course". As for the alleged telephone call on 5 January 2021 (see [23(b)] above), Ms Tong stated that the call had been in relation to the registration process and the deadline for the Applicant to retake the subjects

which she had failed, and had "no connection" with the SILE's investigations. Further, Ms Tong deposed that the issue of whether the Applicant should declare the Part A Finding in her Admission Affidavit had not been raised in that telephone call, pointing out that the Applicant had not explicitly claimed otherwise in her Second Supplementary Affidavit.

26 I found Ms Tong's account to be clearly more credible. From the SILE's letter that was sent to the Applicant on 4 January 2021 (see [18] above), the Applicant could not reasonably have believed that any further communication was pending from the SILE that would affect whether she had to disclose the Part A Finding. Crucially, that letter only comprised two paragraphs, reproduced in full as follows:

> We refer to the above matter and your attendance at the Institute on 15 December 2020.
>
> 2 The Board of Examiners has considered all the circumstances of the matter, including a comparison of the scripts submitted by you and [Ms Tan] and your written representations, and is satisfied that there was collaboration between you and [Ms Tan] in the Evidence Law paper held on 21 October 2020. This is in contravention of the Remote Exam Rules, and accordingly, the Board of Examiners has determined that you have failed the Evidence Law paper.

27 Quite plainly, the letter did not mention any further instructions that the Applicant could expect from the SILE, and could not in any way be read as suggesting that the Applicant's duty to disclose the Part A Finding when applying for admission as an advocate and solicitor was contingent on any express instruction from the SILE to do so. In the round, while the Applicant attributed her supposed misapprehension to "the obfuscation of the process and receipt of mixed communication" (see [23] above), it was beyond any doubt that it was the Applicant instead who was attempting to obfuscate the truth.

The AGC's investigations and the Applicant's Third Supplementary Affidavit

28 On 23 April 2024, the AGC wrote to the Applicant (the "23 April Letter") noting among other things that: (a) she had been found by the Board of Examiners of the SILE to have collaborated with another candidate in the Evidence Law Paper in Part A of the Bar Examinations; (b) she had failed to disclose the Part A Finding until the SILE requested her to do so; and (c) her subsequent conduct suggested a lack of remorse and understanding of her failure to disclose the Part A Finding. The AGC accordingly invited the Applicant to withdraw the Application and undertake not to bring a fresh application to be admitted as an advocate and solicitor or as a legal practitioner (by whatever name called) in any jurisdiction for a period for at least three years from the date of the order to withdraw (if granted by the court).

29 On 7 May 2024, the Applicant responded, stating that she would apply to withdraw her Application, but asked that the exclusionary period be reduced to two years from the date of the Application.

30 Around that time, the AGC came across a reference to the Applicant in the course of investigating a separate incident of possible plagiarism. This incident pertained to a group submission for an assignment when the Applicant was a student at the University. The AGC contacted the University seeking information about the Applicant's involvement in that group submission and whether there was any record of misconduct against the Applicant. The University replied stating that the Applicant had indicated that she had "withdrawn her application to the Singapore [B]ar and that she [did] not consent to [the University] providing the information requested".

31 In view of the University's response, the AGC contacted the Applicant on 23 May 2024 and informed her that it had learnt that she may have been a member of a group whose group submission was investigated by the University for possible plagiarism. The AGC requested the Applicant to: (a) confirm whether this was accurate; and if so, (b) file a supplementary affidavit to declare (amongst other things) the finding (if any) in relation to the group submission, and an explanation of why she did not disclose this matter. The AGC also asked the Applicant to reconsider her position not to consent to the University providing the AGC with the information it had requested. The AGC further informed the Applicant that it might review its position in the 23 April Letter in the light of these developments.

32 On 28 May 2024, the Applicant replied to the AGC and admitted that she was part of a group whose submission had been investigated for possible plagiarism. She said that the University had found that the infraction essentially consisted of "poor academic practice" and asserted that she "did not declare the same as there was no misconduct, there was no finding of plagiarism and no action was taken by the University". She also consented to the University providing the AGC with the information because she had "no alternative option" if she wished to expedite the resolution of the Application. At the same time, she informed the AGC that there were three incidents where her work had been referred to the University's Academic Integrity Officer, which are collectively referred to as the "Academic Misconduct Findings". However, she did not furnish any details of these incidents at this time.

33 On 28 May 2024, the AGC replied asking the Applicant if she had informed the University that she consented to the University providing the AGC with information that the AGC may request regarding the University's

investigations. The AGC also reiterated its request that the Applicant file a supplementary affidavit.

34 On 30 May 2024, the Applicant filed her third supplementary affidavit (the "Third Supplementary Affidavit"). She also informed the AGC on the same day that she had consented to the University disclosing her records.

35 After some correspondence, the University disclosed information regarding the Academic Misconduct Findings, as follows:

(a) In February 2018, the Applicant's work in a subject known as Legal Connections was investigated by the University's Academic Integrity Officer as a result of concerns raised about possible plagiarism. At various pages of the Applicant's work, there were passages that were identical to material in other sources without attribution and/or without quotation marks. The University found that this was "poor academic practice" and decided no further action was necessary.

(b) In May 2018, the Applicant's group submission in a subject known as Law in Action 2 was investigated by the University's Academic Integrity Officer as a result of concerns raised about possible plagiarism. The group submission contained material which corresponded in identical terms with material from other sources without referencing the sources and/or without putting the copied words in quotation marks. The University again found this was "poor academic practice" and decided no further measures would be taken.

(c) In June 2019, the Applicant's work in a subject known as the Law of Adult Relationships was investigated by the University's Academic Integrity Officer as a result of concerns over possible

> plagiarism. The Applicant's work contained a number of passages which appeared to have been taken from sources without attribution and/or without using quotation marks. The University considered some extenuating circumstances raised by the Applicant and found that "moderate plagiarism" had occurred. The University imposed a sanction on the Applicant of a reduction in the assessment grade by 20 marks, with no opportunity to re-submit the paper; this sanction had taken into account the Applicant's personal circumstances at the time. The Applicant was informed by the University that a record of the incident would be maintained in the University's records.

Parties' positions

36 In light of these matters, the Attorney-General (the "AG"), the SILE, and the Law Society of Singapore (the "Law Society") – collectively, the "Stakeholders" – filed their respective Notices of Objection to the Application on 16 July 2024. Prior to the hearing, I also directed the parties to come prepared to address some specific points, and I explored some of these points more fully at the hearing. First, it was still not clear whether the Applicant accepted the Part A Finding. I indicated that if she contested this, then I would have to make a finding based on the evidence. I also wished to know what difficulties the Applicant had encountered in submitting her answer script for the Evidence Law Paper timeously given that she had already filed an earlier version of the answer script three times within the time allotted, and what led her to submit a final answer script past the deadline that contained a significantly fuller answer in comparison with the three answer scripts submitted prior (see [9] above). Next, I also asked whether it is open to the court to impose a Minimum Exclusionary Period that exceeded five years.

The Applicant

37 At the hearing, the Applicant finally accepted, for the first time, the Part A Finding. This was the first time she admitted that she had collaborated with Ms Tan in the Evidence Law Paper. She also indicated in her written submissions that she had begun her rehabilitation by undertaking work as a volunteer with an external organisation. However, the Applicant did not have any explanation for, and claimed not to be able to recall, what difficulties she encountered in submitting her answer script for the Evidence Law Paper timeously. Nor was any explanation forthcoming for why her fourth submission contained a significantly fuller answer compared to the three answer scripts submitted within the stipulated time (see [9] above).

38 Counsel for the Applicant, Mr Narayanan Sreenivasan SC ("Mr Sreenivasan"), nevertheless submitted that a five-year Minimum Exclusionary Period would be sufficient. There were two principal points he made. First, he characterised the conduct of the Applicant as being less serious in comparison with that of the applicant in *Re Gabriel Silas Tang Rafferty* [2024] 4 SLR 401 ("*Gabriel Silas*"). There I had dismissed the application and imposed a Minimum Exclusionary Period of five years. Second, and in any event, Mr Sreenivasan submitted that the Minimum Exclusionary Period only stipulated when the next "check" or assessment of the Applicant's suitability would be carried out. There was no expectation or assurance that she would be admitted after the expiry of that period. After that period of five years, the court would assess the Applicant's suitability for admission afresh and in the light of evidence as to what steps the Applicant had taken in the meantime. In this regard, Mr Sreenivasan submitted that increasing the Minimum Exclusionary Period beyond five years would not necessarily have any impact on the quality of the Applicant's rehabilitation and the caselaw was clear that the purpose of

such a period was not punitive. Lastly, while this was not actively pursued at the hearing, the Applicant stated in her written submissions that she would be "most grateful" if the court allowed her to withdraw the Application instead of dismissing it.

The Stakeholders

39 The Stakeholders unanimously took the position that the Application should be dismissed and that a five-year Minimum Exclusionary Period should be imposed.

40 The AG submitted that the Applicant's persistent non-disclosure of material facts demonstrated dishonesty and a lack of candour. Critically, this misconduct took place at the very threshold of the point of admission, when the Applicant held herself out as a fit and proper person for admission. In relation to the Part A Finding, the AG contended that her explanations were "self-serving and unreasonable". Such explanations were wholly without basis given that there was ample notice to the Applicant that disclosure of that fact was necessary. As for her failure to disclose the Academic Misconduct Findings, the AG submitted that it only came to light fortuitously and the Applicant's failure to disclose those incidents suggested that she had deliberately sought to conceal those incidents. A dismissal was therefore necessary to adequately convey the urgency with which the applicant ought to confront her need for reform if she still intended to pursue her goal of becoming a member of the profession. While Senior State Counsel Mr Jeyendran Jeyapal accepted that the court has the power to impose a Minimum Exclusionary Period of more than five years, he submitted that a period of five years would be sufficient given the Applicant's relatively young age, and some signs of a desire to address the

character issues as seen in her eventual admission of the Part A Finding and the fact that she had started taking on some volunteer work.

41 The Law Society submitted that while the Applicant's failure to disclose the Part A Finding and the Academic Misconduct Finding was a serious breach of her duty of candour, her subsequent admission of her past mistakes – in particular that she collaborated with Ms Tan – should not be undermined. This was so even though her late admission proved that her prior protestations of innocence were false. The Law Society aligned its position with that of the AG and submitted that five years would be sufficient for the Applicant's rehabilitation, even though it was open to the court to impose a Minimum Exclusionary Period of more than five years especially if the court found that the Applicant was dishonest.

42 In similarly arguing that the Minimum Exclusionary Period should not exceed five years, Mr Liang Hanwen Calvin ("Mr Liang"), who appeared for the SILE, submitted that there was a countervailing interest in allowing the Applicant to have a realistic opportunity for redemption. This suggested that the court should not generally impose a Minimum Exclusionary Period that would have an unduly punitive *effect* on the Applicant. Mr Liang submitted that it was heartening that the Applicant had eventually accepted her misconduct. Accordingly, while the Applicant had been dishonest, it was submitted that the Minimum Exclusionary Period of five years would suffice.

Issues before this court

43 There were two issues for my determination:

(a) whether the Applicant should be allowed to withdraw the Application; and

(b) and in any case what Minimum Exclusionary Period I should impose.

The Applicant was not a fit and proper person to be admitted

44 In my judgment, it was appropriate to dismiss the Application.

45 By the time of the hearing, it was common ground that the Applicant was not a fit and proper person to be admitted at this time. The central inquiry in admission applications, where there is no question as to an applicant's competence or qualifications, is whether the applicant in question is suitable for admission in terms of her character. In the particular context of applicants who have committed an academic offence, it is relevant to look at (a) the circumstances of the offence; (b) the conduct of the applicant during any investigations into the offence; (c) the nature and extent of subsequent disclosures made in any application for admission; (d) any evidence of remorse; and (e) any evidence of efforts planned or already initiated towards rehabilitation. All of these inform the determination of what the applicant's character issues are, how they may be addressed, and the amount of time she will likely need to resolve those issues (see *Re Wong Wai Loong Sean and other matters* [2023] 4 SLR 541 ("*Sean Wong*") at [3]).

46 I applied this framework and concluded that the Applicant's conduct in this case, covering the Part A Finding, the Academic Misconduct Finding, and her subsequent approach to the Application, revealed that she lacked integrity and had not really embarked on the process of confronting her character issues. I considered that she needed a considerable time to rehabilitate herself in order to be fit for admission. I set out the key points in the following paragraphs.

The nature of the Applicant's misconduct

Part A Finding

47 The Applicant finally accepted the Part A Finding at the hearing. This flew in the face of her previous stance that she "vehemently disagree[d]" that there was any collaboration between Ms Tan and herself when the Part A Finding was first communicated to her (at [19] above). I note that the admission was only forthcoming when I asked a direct question and indicated that I would otherwise have to make a finding on the evidence. The evidence as it turned out was compelling and I would have been prepared to make a finding that there was collaboration. To put the point bluntly, it defies belief that it was purely coincidental that honest candidates working independently produced answers with 80% similarity, 32 blocks of matching texts and even the same misconceptions of legal positions (see [11]–[13] above). Furthermore, the answer scripts had a very similar structure, the questions were answered using the same approach, and deliberate attempts were made to avoid the impression of collaboration. Also as noted above, the Applicant and Ms Tan were the only two candidates in the entire cohort who thought s 6 of the Sedition Act was somehow relevant (see [12]–[13] above).

48 Equally significant was the inability of the Applicant to explain the supposed difficulty she had with submitting her answer script for the Evidence Law Paper timeously when she had successfully submitted it three times earlier; and more importantly, why her final submission contained a significantly fuller answer compared to the three answer scripts submitted prior (see [37] above). It was also significant that neither the Applicant nor Ms Tan could produce the "single document" they allegedly (each) referred to in preparing for the exam (see [16]–[17] above).

Academic Misconduct Findings

49 The Academic Misconduct Findings which involved incidents spanning between February 2018 and June 2019 similarly illustrated the Applicant's dishonesty. As the SILE rightly submitted, the common theme relating to the Academic Misconduct Findings (as well as the Part A Finding) involved the Applicant or her group passing off the work of others as her own.

50 While the University termed the first two instances of academic misconduct as "poor academic practice" (see [35(a)]–[35(b)] above), the fact remained, as recognised in the caselaw, that in an academic setting "the requirement that one must only submit original work was so obvious that the severe failure to meet this requirement could not possibly be passed off as an innocent mistake" (see *Re Lee Jun Ming Chester and other matters* [2024] 3 SLR 1443 ("*Chester Lee*") at [23]). Indeed, the Applicant had confirmed in the course of an interview that was conducted by the University in relation to the second instance of academic misconduct that she "understood that to use work without attribution would be plagiarism". It was not then open to the Applicant to say, as she represented to the AGC by letter, that "there was no misconduct, there was no finding of plagiarism and no action was taken by the University" (see [32] above).

51 This was all the more so given the third instance of academic misconduct, which was more egregious and resulted in a finding of "moderate plagiarism" by the University, when a plagiarism check revealed that her submission showed similarity between several passages of her submission with passages in two assessments submitted in the same module. This also resulted in the imposition of academic sanctions. Significantly, this came after two prior incidents of academic misconduct and the warnings that followed, suggesting

that the Applicant persisted in her pattern of behaviour and even doubled down on it.

52 The Applicant claimed when investigated by the University that she had extracted relevant materials from her notes and complied it into a unified document. She explained that she had discussed the assessment with several classmates and some of them had sent her extracts from various sources. When asked by the University if she could provide a copy of the correspondence between her classmates and her, she explained that she could not because the discussions had been face-to-face and that they had "airdropped" files to each other. The Applicant then said that she "had a problem with [her] computer" and that it was not possible to submit the correspondence between her friends and her in relation to the assessment. She also could not provide the names of the classmates with whom she purportedly exchanged sources. She then offered to send some of the files she received, but only sent one document, explaining that she "had discarded all other documents … due to lack of space". In a setting when digital records are almost always retrievable, this was hard to believe to begin with. But seen in the light of essentially the same story that was spun when she was investigated by the SILE in relation to the Evidence Law Paper, it would appear that in truth, there had been no such documents to begin with.

53 For completeness, I also noted that while the Applicant had referred to extenuating circumstances in relation to the third finding of academic misconduct, the AGC subsequently clarified with the University that those extenuating circumstances only applied to waive the penalty for her late submission of the assignment, and not the penalty she faced for plagiarism. The fact that the Applicant had raised those extenuating circumstances to justify her misconduct, without further explaining that the University had only given weight to those in relation to her late submission and not her plagiarism, only

served in my view to reinforce the conclusion that the Applicant had no regard for her duty of candour to the court.

The Applicant's failure to disclose the Part A Finding and the Academic Misconduct Findings demonstrated a serious lack of candour

54 In failing to disclose the Part A Finding and the Academic Misconduct Findings, the Applicant demonstrated a serious lack of the candour expected of an advocate and solicitor (see *Attorney-General v Shahira Banu d/o Khaja Moinudeen* [2024] 4 SLR 1324 at [41]). The importance of the duty of candour was explained in *Gabriel Silas* at [38]–[39], and it is key to ensuring that those who serve in the administration of justice have the strength of character to discharge their ethical responsibilities.

55 While various contrived explanations were initially raised by the Applicant before the hearing, Mr Sreenivasan accepted before me that the Applicant should have disclosed her offences and that the Applicant had been in a "state of denial" resulting in "incremental admissions". While Mr Sreenivasan attempted to put a positive spin on the situation by arguing that the Applicant addressed the issues surrounding her misconduct incrementally, I was not persuaded by that characterisation.

56 It was clear that the Applicant had only disclosed information when she had no choice but to do so. In this regard, it was significant that the Applicant had not initially disclosed the Academic Misconduct Findings even after she had been asked to withdraw the Application by the AGC. This was despite having claimed in her letter dated 7 May 2024 that she had "cooperated to the best of [her] ability, providing stakeholders with all requested information". The Applicant had also initially attempted to prevent the University providing the

AGC with information regarding the Academic Misconduct Findings, and her reasons for not doing so were plainly unsatisfactory:

(a) She explained that in respect of the first two incidents, "there was no misconduct, there was no finding of plagiarism and no action was taken by the University" (see [32] above). I have explained why this was without basis (see [50] above).

(b) As for the third incident of academic misconduct resulting in a finding of "moderate plagiarism", the Applicant had stated in her Third Supplementary Affidavit that the University found extenuating circumstances. She had "respectfully ask[ed] that that finding be respected, rather than having [her] relive and reexplain what happened". However, as mentioned earlier, the Applicant had not been forthcoming that the University had found extenuating circumstances *only* in relation to her late submission and had waived the penalty only in respect of that; the University had not waived the penalty for the Applicant's plagiarism, and this important qualification was only put before the court after the AGC had sought clarification from the University (see [53] above). In any event, I did not think this dispensed with her duty of candour to the court altogether. While she was not required to disclose every detail of the extenuating circumstance, it was at least incumbent on her to inform the court and the Stakeholders of any misconduct or dishonesty on her part that impacted on her suitability to be admitted. While this might be an uncomfortable thing to do, "lawyers or prospective lawyers are expected to make *honest* decisions even under the most difficult of circumstances. Pressure or stress is never a good reason for *dishonest* decisions, especially in view of the nature of the manifold

demands of this profession" [emphasis in original] (see *Gabriel Silas* at [43], citing *Sean Wong* at [22]).

57 The Applicant's lack of candour in disclosing these matters, and her belated admission of her wrongdoing in respect of the Part A Finding, persuaded me that the Applicant had no insight into the ethical implications of her actions.

The Application should be dismissed

58 I therefore agreed with the Stakeholders that the Application should be dismissed. Indeed, this was a quintessential case for doing so. As I explained in *Gabriel Silas* (at [51]):

> … *where the court is not satisfied that the applicant can be said to have begun to truly appreciate the ethical consequences of his misconduct and the need for reform, let alone embarked on even the first steps of the journey towards rehabilitation, it will be appropriate to dismiss the application.* An applicant who has not begun to appreciate the nature and extent of his wrongdoing, quite plainly cannot assert that he is ready to take responsibility for it. *I reiterate that this inquiry is not to punish the applicant, but to provide him with the opportunity for rehabilitation.* Quite simply, the further an applicant is from recognising the scale of his wrong, the further he will be from taking responsibility for it, and so too from beginning the journey towards reform and rehabilitation. [emphasis added]

59 I noted that the Applicant had stated in her written submissions that she had recently started volunteering with a crowdfunding charity that aims to provide hope and support to individuals and families facing difficult circumstances. While this might place the Applicant in a better position to embark on a journey towards rehabilitation, I was unpersuaded that that alone was sufficient evidence that her journey had in fact started in any meaningful way. While the Applicant eventually confessed to her misconduct in relation to the Part A Finding at the hearing, this admission was only forthcoming when the Applicant was faced with the prospect of a finding by the court that she had

been lying up to that point. For all these reasons, I placed no weight on the Applicant's belated admission of the material facts and dismissed the Application.

A Minimum Exclusionary Period of five years should be imposed

60 I then considered the Minimum Exclusionary Period to which the Applicant should be subject before she may make a fresh application for admission. In the circumstances, I was of the view that five years would be appropriate, and so ordered.

The predominant aim of rehabilitation and its interplay with the Protective Principle

61 To preface this part of the discussion, it has been consistently emphasised in the line of cases involving the admission of advocates and solicitors that the predominant aim of imposing a Minimum Exclusionary Period is to facilitate rehabilitation by affording applicants the opportunity to defer their admission, reflect on their prior misconduct and address their character issues. It is not meant to punish applicants for their earlier mistakes (see *Re Tay Jie Qi and another matter* [2023] 4 SLR 1258 ("*Tay Jie Qi*") at [4]; and *Sean Wong* at [27]), even if such an order may be felt to have a *punitive effect*, or may be perceived as such by the applicant. This was the guiding principle that was applied in the earlier cases involving applications for admission. I have also explained in some of these cases, that where a substantial period of time had already elapsed between the misconduct in question and the time of the admission application and where an applicant had maintained a clean record in that intervening period, the court may be willing to dispense with a further Minimum Exclusionary Period if it is possible to conclude in the circumstances that the applicant had already been satisfactorily rehabilitated

(see *Tay Jie Qi* at [4] and [33]; *Re Ong Pei Qi Stasia* [2024] 4 SLR 392 at [21]–[22]; and *Chester Lee* at [9]).

62 In the present case, I was satisfied that a long Minimum Exclusionary Period was warranted for three primary reasons. First, the Applicant's *pattern of dishonesty*, including her litany of academic offences involving passing off the work of others as her own and her lack of candour in disclosing the same even at the very threshold of the point of admission, evidenced serious dishonesty and a persistent unwillingness to come to grips with the nature and gravity of her ethical failures.

63 In a period spanning almost three years, the Applicant had committed four instances of academic misconduct involving some form of plagiarism. Despite either being warned or sanctioned in each instance, she persisted in such conduct. Further, when the time came for her to file the present Application, having satisfied all the other requirements for admission, she did not declare the Part A Finding and the Academic Misconduct Findings in her Admission Affidavit and sought to cast this omission as an honest error of judgment. This was incredible. At the time of the filing of her Admission Affidavit, there was already a line of recent cases where admission applications had been dismissed or deferred because of prior academic offences (see, for example *Chester Lee*; *Re Suria Shaik Aziz* [2023] 5 SLR 1272; *Tay Jie Qi*; and *Sean Wong*). She could not have been unaware of those cases when she made the Application given their widespread reporting. I think Mr Sreenivasan was being generous in the way he characterised the approach taken by the Applicant as one of making "incremental admissions" at each stage of the investigations. In truth, she persisted in her lies until she was left with little or no choice. I would have been prepared to find that the Applicant had been dishonest in not making the necessary disclosures.

64 In my judgment, the Applicant's conduct in the present case was more serious than the other admission cases involving academic dishonesty, such as *Gabriel Silas* and *Leon Tay*, in which five-year exclusionary periods (the longest to date) resulted.

65 In *Gabriel Silas*, the applicant committed two instances of academic misconduct. During the admission process, the applicant disclosed only one of the incidents, until specifically requested to do by the AG. The applicant was also not truthful in the disclosures he made concerning the extent of his plagiarism. I dismissed the application and imposed an exclusionary period of five years. Compared to the applicant in *Gabriel Silas*, which in my view was the most serious of these cases to date, the Applicant's conduct in the present case was more serious, in that she did not make *any* disclosure; she even tried to conceal the Academic Misconduct Findings by not providing her consent to the University when the AGC attempted to inquire further; and she persisted in understating the gravity of her actions until she was left with no choice.

66 The present case was also obviously more serious than that of the applicant in *Leon Tay*. There the applicant had cheated in three papers in Part B of the Bar Examinations and had presented a false account to the SILE of what had transpired. In his admission affidavit, he made partial and selective disclosures of the relevant facts of the misconduct, despite having sought prior guidance from the SILE. By the time of the hearing, the applicant acknowledged his wrongdoing and was ready to take the first step towards his rehabilitation (at [39]–[40]). I therefore allowed him to withdraw his application and imposed an exclusionary period of five years. This contrasted with the Applicant's lack of any initial disclosure and, even at the hearing, her acceptance of the Part A Finding left unanswered questions as to what truly happened.

67 This leads to the second and third of my reasons. I did not consider it necessary to impose a Minimum Exclusionary Period longer than the period of five years imposed in *Gabriel Silas* and *Leon Tay*, even though I was satisfied that the court, in the exercise of its inherent power, could do so.

68 I came to this view having regard to the fact that the Applicant, being 28 years old, was relatively young and had just begun her career. By contrast, the applicant in *Gabriel Silas* was a mature applicant with considerably more life experience.

69 But more than this, I accepted the force of Mr Sreenivasan's second main point (see at [38] above), which was that the effect of imposing a Minimum Exclusionary Period is only to set a minimum period before the suitability of an applicant is reviewed anew. There is no assurance that the applicant will be admitted at that time and it is therefore not akin to a penalty of a period of suspension. In the present context, if and when a fresh application for admission is brought, the Applicant will have to satisfy the court that she has meaningfully completed her rehabilitation and that public confidence in the administration of justice would not be diminished if the application were granted.

70 I emphasise that the reapplication process is not to be conducted in a *pro forma* manner. The Applicant, like others in her position who are subject to Minimum Exclusionary Periods, will have to satisfy the court that, despite her prior misconduct, there is strong evidence that her character has changed in an appreciable manner that renders her a fit and proper person to be admitted. In this regard, both the objective evidence of what she has been involved in during the Minimum Exclusionary Period, as well as character references, would be relevant, and the categories of evidence that may be considered are not closed.

This again, is reflective of another difference between the approach we take in cases of this sort as compared to in disciplinary cases. In disciplinary cases, the court is concerned with a retrospective assessment of the applicant's misconduct and what penalty is called for. In the present context, the primary concern is with rehabilitation and the desire to encourage the redemption and reformation of the applicant. This allows and indeed requires the court to scrutinise the applicant's readiness to be admitted when a fresh application is brought.

71 For these reasons, I was satisfied that a Minimum Exclusionary Period of five years was sufficient. I also made no order as to the costs of the Application since none of the Stakeholders sought an award of costs.

Sundaresh Menon
Chief Justice

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