WongPartnership LLP *v* Chiam Heng Hsien and another and other matters
[2013] SGHC 247

Case Number	: Bill of Costs Nos 178 and 179 of 2010 (Summons Nos 5901 of 2012 and 5902 of 2012), Originating Summons No 275 of 2010
Decision Date	: 14 November 2013
Tribunal/Court	: High Court
Coram	: Lee Seiu Kin J
Counsel Name(s)	: Andre Maniam SC and Koh Swee Yen (WongPartnership LLP) for the plaintiff; The defendants in person.
Parties	: WongPartnership LLP — Chiam Heng Hsien and another

Legal profession – Bill of costs

14 November 2013

Lee Seiu Kin J:

1 In originating summons no 275 of 2010, I granted leave to the plaintiff, a law firm, to proceed with taxation of the unpaid portion of its bill against its clients, the first defendant ("Mr Chiam") and the second defendant ("Mitre") pursuant to s 120 of the Legal Profession Act (Cap 161, 2009 Rev Ed). This was for work done by the plaintiff as solicitors in relation to a dispute over the ownership of the property at 145 Killiney Road. Pursuant to a warrant to act executed by the defendants on 21 June 2006, the plaintiff represented the defendants in originating summons no 830 of 2006, originating summons no 1918 of 2006 and civil appeal no 54 of 2007 ("CA54/2007"), civil appeal no 116 of 2007 ("CA116/2007"), civil appeal no 117 of 2007 ("CA117/2007") and civil appeal no 128 of 2007 ("CA128/2007"). On 21 October 2009 the plaintiff was granted a discharge from acting as solicitors for the defendants. During the engagement, the plaintiff rendered a number of interim invoices for work done and these were all paid in full except for invoice number 75031 ("Invoice 75031") dated 16 May 2007 and the final invoice ("Invoice 097005") dated 18 December 2008. In respect of Invoice 75031, the defendants had been paying this by instalment until December 2007 and a balance of $50,401.13 (out of the invoice sum of $130,635.69) remained unpaid. On 1 February 2008, the Court of Appeal heard and disposed of CA54/2007, CA116/2007, CA117/2007 and CA128/2007. Over the next two years, the plaintiff sent more than a dozen letters to the first defendant requesting payment of Invoice 75031 as well as to remind him that there would be a further invoice for unbilled costs and disbursements. On 18 December 2009, the plaintiff issued Invoice 097005 for the sum of $171,885.63. On 21 January 2010, the plaintiff sent a letter requesting the first defendant to make payment of the two invoices as soon as possible. On 18 February 2010, the plaintiff wrote to the defendants to seek their consent to taxation, but no consent was given. On 16 March 2010, the plaintiff filed originating summons no 275 of 2010 to seek leave of court for taxation. On 28 June 2010, after hearing counsel for the plaintiff and Mr Chiam in person, I granted the leave sought. However in view of a pending decision from the Law Society on a complaint lodged by Mr Chiam against the plaintiff, I ordered that no payment may be made until further order.

2 On 15 September 2010, the plaintiff filed bill of costs no 178 of 2010 ("BC178") and bill of costs no 179 of 2010 ("BC179"). BC178 was work done in relation to originating summons no 830 of 2006 and BC179 was for work done in the appeals in CA 54/2007, CA 116/2007, CA 117/2007 and CA 128/2007. Both BC178 and BC179 were heard by the assistant registrar ("the AR") on 31 October

2012. The AR taxed BC178 as drawn, which meant that the defendants were ordered to pay the balance of $50,401.13. As for BC179, the AR taxed down Section 1 from $155,631.50 to $125,000 with sections 2 and 3 taxed as drawn.

3 On 14 November 2012, the defendants applied for review of the two bills. Summons no 5901 of 2012 was for review of BC178 and summons no 5902 of 2012 was for review of BC179. The hearing for these two summonses was on 30 September 2013, at the end of which I dismissed the defendants' applications. They have since appealed and I now give the grounds for my decision.

4 Before me, Mr Chiam tendered a written submission which described the manner in which various solicitors from the plaintiff had acted in relation to the originating summons and the appeals. It primarily concerned allegations that the plaintiff had acted contrary to Mr Chiam's instructions and that the plaintiff had been negligent in their advice and the manner in which they had conducted the litigation. I observed that these pertain to Mr Chiam's allegations against the plaintiff which were the subject of his complaints to the Law Society. I had summarised this in [2] to [3] of my written judgment in originating summons no 386 of 2012 as follows:

> 2 … On 27 May 2008, [Mr Chiam] lodged a complaint to the Law Society ("TLS") against Mr Andre Francis Maniam and Ms Koh Swee Yen ("the Solicitors"). TLS appointed inquiry committee no 55 of 2008 ("IC55/2008") to investigate the matter. After due inquiry, which included conducting a hearing and considering submissions of both sides, IC55/2008 found that a formal investigation was not necessary as there was no merit in the plaintiff's complaints. IC55/2008 published its report on 6 May 2009. Dissatisfied with the decision of IC55/2008, [Mr Chiam] filed originating summons no 849 of 2009 to apply for an order under s 96 of the Legal Profession Act (Cap 161, 2009 Rev Ed) directing the appointment of a Disciplinary Tribunal. This was heard by Andrew Ang J on 16 November 2009 at the end of which he dismissed the application with costs fixed at $5,000. Less than one month later, on 7 December 2009, [Mr Chiam] lodged another complaint with TLS against the Solicitors. TLS appointed inquiry committee no 18 of 2010 ("IC18/2010") which investigated the matter and published its report on 29 February 2012. IC18/2010 observed that the plaintiff had made the same complaint that was dealt with by IC55/2008. However, noting that the plaintiff had asserted that this was a "fresh complaint", IC18/2010 considered the merits of the complaint and decided that it should be dismissed with no further action to be taken against the Solicitors.
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> 3 Dissatisfied with the decision of IC18/2010, [Mr Chiam] took out this OS on 19 April 2012. I heard the parties on 6 August 2012. [Mr Chiam] acted in person and tendered his written submissions, which he supplemented with an oral submission. Counsel for TLS also tendered his written submissions. After hearing both sides I concluded that the decision of IC18/2010 was correct for the reasons given in paras 10 and 11 of its report of 29 February 2012. I was therefore satisfied that there was no ground to make the order prayed for under s 96 of the Legal Profession Act and dismissed the OS with costs fixed at $4,000.

5 I therefore asked Mr Chiam if he had any submission to make in relation to the detailed bills rendered. Mr Chiam submitted that the bills were for useless work and repeated that the service provided were contrary to his explicit instructions to the plaintiff. Nevertheless, in view of the fact that Mr Chiam was unrepresented, I carefully reviewed the bills as well as the proceedings below. In relation to BC178, the AR noted that the trial went on for five full days and three half days. It was conducted in three tranches, the first on a preliminary point, the second for cross-examination and the third for submissions. It was fairly voluminous in terms of documentation and the issues involved difficult points of law with facts going back many decades. Taking into account that this was to be taxed on an indemnity basis, the AR considered that the costs for the entire trial would have been

$260,000. I found this to be an appropriate sum considering the nature of the case and the number of days of trial and the fact that these were spread out over three tranches. In relation to BC179, AR Ng observed that this bill for the appeals was quite unique as it involved four related appeals. The plaintiff had to take out applications to consolidate various matters which meant additional getting up and attendance costs. As there were multiple parties, more time would have been expended to take into account the submissions filed by parties who were separately represented. He noted that this was also to be taxed on an indemnity basis and that it included work that was done after the appeal was disposed of until the plaintiff discharged themselves from acting for the defendants. In my view, his taxation of $125,000 for this work was also appropriate.

6 For the reasons given above, I upheld the decisions in both summonses.

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