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

[2025] SGHC 156

Admission of Advocates and Solicitors No 108 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 Ariffin Iskandar Sha bin Ali Akbar

Ariffin Iskandar Sha bin Ali Akbar

… *Applicant*

Admission of Advocates and Solicitors No 371 of 2024

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 Foo Zhong Yu Aaron

Foo Zhong Yu Aaron

… *Applicant*

Admission of Advocates and Solicitors No 565 of 2024

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 Harish Rai

Harish Rai

… *Applicant*

GROUNDS OF DECISION

[Legal Profession — Admission]

Re Ariffin Iskandar Sha bin Ali Akbar and other matters

[2025] SGHC 156

General Division of the High Court — Admission of Advocates and Solicitors
Nos 108 of 2023, 371 and 565 of 2024
Sundaresh Menon CJ
9 May 2025

8 August 2025

Sundaresh Menon CJ:

Introduction

1 Where the court determines that an applicant is not yet suitable for admission to the Bar on account of some issue of character, the usual course has been to invite the applicant to withdraw his or her application for admission and to defer the filing of any such future application for a specified period. This deferment, sometimes also referred to as the minimum exclusionary period, is intended to support the applicant's journey of rehabilitation, so that he or she may take steps to come to terms with and resolve the character issue in question. The ultimate objective is to afford such a candidate for admission the time and the opportunity to get to a state where a fresh application may be submitted. The court and the other stakeholders must then consider the position afresh in the light of all that might have transpired in the interim, and consider whether the applicant has become a person fit for admission and whether granting the

application would pose no risk of undermining public trust and confidence in the legal profession and the administration of justice.

2 However, withdrawal may not always be a suitable means of effecting an exclusionary period. For instance, it has been held that such an application may be dismissed if it is thought necessary to signal the court's view as to the state of the applicant's awareness of and engagement with the relevant character issues. In yet other situations, separate considerations may arise, such as where the applicant (hereinafter, a "Legacy Applicant" or "Legacy Case") has completed the formal requirements and became eligible for admission to the Bar under the previous admission regime prescribed by the Legal Profession (Admission) Rules 2011 (the "2011 Rules"), but was found to be unsuitable for admission at the time the matter was due to be heard, by which time a new admission regime had taken effect. As explained below, requiring a Legacy Applicant to withdraw his or her application and file a fresh one at a later date might have unintended consequences, such as requiring such a person to embark afresh on the steps needed to meet the formal requirements, including in having to retake the Part B examinations and serve a fresh practice training period.

3 The applications before me are three such Legacy Cases, which were due for consideration just as the Legal Profession (Admission) Rules 2024 (the "2024 Rules") took effect. It was apparent to the stakeholders – the Attorney-General ("AG"), the Singapore Institute of Legal Education ("SILE") and the Law Society of Singapore ("LSS") – that while the applicants might not yet be fit for admission, withdrawal would not be appropriate. Instead, they and the respective applicants proposed that their applications could be stayed or adjourned for such period as the court might deem appropriate, with the period of such adjournment or stay serving the purpose of the minimum exclusionary period as explained at [1] above, without giving rise to any unintended

consequences and prejudice to the applicants. These matters were raised before me by way of written submissions filed by the parties and the stakeholders, and I determined them without convening an oral hearing.

4 In my judgment, there was nothing wrong in principle for the court to order either a stay or an adjournment of a Legacy Case in the circumstances outlined above. However, I considered that a distinction may be drawn between exclusionary periods that are of shorter duration, and those that are of a longer period. In particular, where an exclusionary period is of 12 months or more, this should be effected by a stay in order to avoid other unintended consequences such as those relating to the deemed discontinuance of the application pursuant to the Rules of Court 2021 ("ROC 2021"), but also to maintain a degree of parity in dealing with these cases and other cases not affected by any change in the rules.

5 As for whether the three applications ought to have been stayed or adjourned, I made the following orders:

(a) **HC/AAS 108/2023 ("AAS 108"):** On 1 July 2025, I declined to impose any period of deferment on the applicant, Mr Ariffin Iskandar Sha bin Ali Akbar ("Mr Ariffin"), as I considered that he was fit and proper for admission to the Bar.

(b) **HC/AAS 371/2024 ("AAS 371"):** On 16 July 2025, I ordered that AAS 371 be stayed for 18 months from the date of my decision, as I considered that the applicant, Mr Foo Zhong Yu Aaron ("Mr Foo"), was not a fit and proper person to be admitted to the Bar on account of his character. I also imposed two conditions on Mr Foo: (a) that he is to undertake that no other application for admission will be made in the meantime to any jurisdiction; and (b) the lifting of the stay in due course

will be subject to the reasonable requirements of the stakeholders and the court being shown to be met.

(c) **HC/AAS 565/2024 ("AAS 565"):** On 16 July 2025, I ordered that AAS 565 be stayed for three years from the date of my decision, as I considered that the applicant, Mr Harish Rai ("Mr Rai"), was not a fit and proper person to be admitted to the Bar on account of his character. I imposed the same two conditions on Mr Rai that I imposed on Mr Foo: (a) that he is to undertake that no other application for admission will be made in the meantime to any jurisdiction; and (b) the lifting of the stay in due course will be subject to the reasonable requirements of the stakeholders and the court being shown to be met.

6 In these grounds of decision ("GD"), I explain my decision on the specific point of whether Legacy Cases ought to be adjourned or stayed, as well as my decision on whether, and if so, the durations for which I considered that each of the three applications should be either adjourned or stayed.

The court's power to stay or adjourn an admission application

7 I begin by explaining the changes in the admission framework as reflected respectively in the 2011 Rules and the 2024 Rules before setting out my decision on the appropriate means by which the court may effect exclusionary periods in Legacy Cases.

The legislative background

8 The 2024 Rules took effect on 17 July 2024, and gave rise to two distinct changes to the prevailing regime for admission to the Bar: (a) first, it extended the practice training period from six months under r 14(2) of the 2011 Rules to 12 months under r 29 of the 2024 Rules; and (b) second, it revised the syllabus

of the Part B course and the scheme of the Part B examinations. As a result of these changes, a Legacy Applicant who became a qualified person before 1 November 2023 and who met the substantive requirements of the 2011 Rules, but who did not apply for admission prior to 17 July 2024 (this being the date of commencement of the 2024 Rules) would have to retake their Part B examinations and serve another practice training period: see s 48(2) of the Legal Profession (Amendment) Act 2023 (Act 37 of 2023) (the "LPAA"). The same would apply to an applicant who *withdrew* his or her application for admission after 17 July 2024.

9 An exception to this was provided for those applicants who obtained the approval of the Minister for Law (the "Minister") to extend the time to file his or her admission application: see s 48(1)(*c*) of the LPAA read with s 12(2)(*b*) of the Legal Profession Act 1966 (2020 Rev Ed) (the "Legal Profession Act"). However, the statutory deadline for making such an application to the Minister was 1 October 2024: reg 2(2)(*a*) of the Legal Profession (Amendment) Act 2023 (Transitional Provisions for Admission) Regulations 2024.

10 Turning to the three applications that were before me, each of the applicants became a qualified person before 1 November 2023, duly passed their Part B examinations and completed their practice training period under the 2011 Rules. Therefore, they were each required to comply with the saving and transitional provisions found in s 48 of the LPAA, the essence of which has been summarised at [8]–[9] above.

11 Mr Ariffin and Mr Foo did not apply to the Minister for an extension of time to file their admission applications. Mr Rai was granted an extension of time on 19 July 2024 from the Minister to complete his six-month practice training period before 1 September 2025 and to apply for admission before

1 October 2026. At the time of the extension, the stakeholders and the Minister were not aware of Mr Rai's academic misconduct, which I detail later in this GD.

12 In these circumstances, if the applicants were to withdraw their applications, they would likely have to take the Part B examinations afresh and serve a longer practice training period of 12 months, disregarding the six-month practice training period they had each already served: see s 48(2) of LPAA. The stakeholders accepted that this may result in consequences that are unduly onerous and not intended by the aim of imposing an exclusionary period. To avoid this, they submitted that any exclusionary period in relation to the present applications should be effected by way of a stay or an adjournment, rather than by dismissing or requiring the applicants to withdraw their applications.

13 Against that background, I considered the means by which exclusionary periods in Legacy Cases may be effected. It was common ground between the stakeholders and applicants that the court has the power to stay or adjourn a matter involving the admission of an advocate and solicitor.

The signalling effect of an adjournment and a stay

14 The purpose of allowing an applicant to withdraw his or her application for admission is to facilitate the applicant's first step in the journey towards rehabilitation by publicly accepting responsibility for the wrong done, acknowledging that he or she is not yet a fit and proper person for admission, and working towards rehabilitation: *Re Tay Quan Li Leon* [2022] 5 SLR 896 at [39]. The deferment period allows the applicant sufficient time to rehabilitate himself or herself before being allowed to apply for admission to the Bar once more.

15 As held by this court in *Re Gabriel Silas Tang Rafferty* [2024] 4 SLR 401 ("*Re Gabriel Rafferty*") at [50], the type of order used to give effect to an exclusionary period is "ultimately a matter of principle … [as] [t]he signalling of each of these orders is fundamentally different". Where it is clear that the admission application should not proceed, the court should either adjourn or permit the withdrawal of the application, depending on the length of the period of deferment. If the court thinks that a "relatively short period of deferment is all that is likely to be needed", an adjournment is appropriate, but if a "longer period is thought appropriate, the court may permit the withdrawal of the admission application": *Re Gabriel Rafferty* at [50]. This suggests that in the usual case, where a matter is adjourned, because of either the relatively lower gravity of the character issues in play or the progress towards rehabilitation that has already been made, the applicant will be significantly closer to the point of being ready for admission.

16 There is also a distinction in the signalling effect of dismissing an application. This signifies both that the court considers the circumstances of the breach are egregious, and also that the applicant has failed to even begin the journey of reform and rehabilitation. Any adverse consequences on the applicant would be a result of his or her own inability to grasp the severity of his or her actions: *Re Gabriel Rafferty* at [51].

17 For the reasons outlined at [2] above, because of the special considerations that apply to the Legacy Cases, the same goals of imposing a minimum exclusionary period can be achieved by means of an adjournment or a stay. This would address the particular difficulties posed by the Legacy Cases. As to whether there is a difference between a stay or an adjournment, the AG submitted that while a stay and an adjournment have the same practical effect, a stay may be preferable to an adjournment in the case of an exclusionary period

that is 12 months or longer. This is to avoid any possibility of the application being deemed discontinued, on account of the operation of O 16 r 2(7) of the ROC 2021, which provides that an application shall be deemed to have been discontinued where no step has been taken for more than a year. However, this would not be the case where the action, cause or matter has been stayed pursuant to an order of court: O 16 r 2(8) of the ROC 2021. The LSS and the SILE took broadly similar positions. This gave rise to a number of issues which I deal with one at a time below.

18 First, I was satisfied that there was no statutory impediment that impeded my power to order a stay in an application for admission to the Bar. As was held in *Re Gabriel Rafferty* at [55], O 3 r 2(2) of the ROC 2021 gives the court the inherent power to regulate its own processes to serve the ends of justice. As noted in *Singapore Civil Procedure 2025* vol 1 (Cavinder Bull gen ed) (Sweet & Maxwell, 2024) at para 3/2/1, this includes staying proceedings. There was nothing in the Legal Profession Act or its subsidiary legislation that prevented the granting of a stay.

19 As for the amendments to the Legal Profession Act, these clarify that the court does have the existing power to adjourn an application for a specified period, allow an application to be withdrawn and/or make such other order as it considers appropriate: s 12(5A) of the Legal Profession Act. It may be noted, having regard to the Explanatory Statement to the Legal Profession (Amendment) Bill (Bill No 32/2023), that s 12(5A) of the Legal Profession Act serves to "clarify" the court's existing powers: *Re Gabriel Rafferty* at [56]–[57].

20 Second, an issue was raised as to whether there was a difference, in the context of the Legacy Cases, between adjourning a matter or ordering a stay. The stakeholders had suggested that the key question was whether the period

crossed the 12-month threshold so as to trigger the deemed discontinuance. However, in my judgment, the approach should, as far as possible, mirror the approach that has been taken so far such that:

(a) For relatively short periods, an adjournment would be appropriate. Without being unduly prescriptive, in my judgment, this would typically be the cases where the exclusionary period is less than six months. Such cases would be akin to those non-Legacy Cases where the court would typically have adjourned the matter;

(b) For anything longer than this, and certainly for cases where the period is more than 12 months, the court should stay the application, subject to (c) below. This would be akin or equivalent to those non-Legacy Cases where the court would typically have permitted the withdrawal of the application;

(c) For those cases where the court considers dismissal is warranted, it should dismiss the matter without making any concession on account of the fact that it is dealing with a Legacy Case. An applicant who is unwilling to embark on a course of reform should face the consequences of that choice.

21 In that light, I briefly set out the general principles guiding the court's discretion to admit an applicant to the Bar, before turning to explain my decision for each of the applications that were before me.

General principles for admission

The Character Principle

22 The central inquiry in admission applications, where there is no question as to an applicant's competence or qualifications, is typically whether the applicant in question is suitable for admission in terms of his character (the "Character Principle"). In the particular context of applicants who have committed an academic offence, the relevant factors are: (a) the circumstances of the applicant's misconduct; (b) his or her conduct during the initial investigations; (c) the nature and extent of subsequent disclosures made in his or her application for admission; (d) any evidence of remorse; and (e) any evidence of efforts planned or already initiated towards rehabilitation. These factors inform the determination of what the applicant's character issues are, how they may be addressed, and the amount of time he will likely need to resolve those issues: *Re Pulara Devminie Somachandra* [2025] SGHC 72 at [45] ("*Re Pulara"*), citing *Re Wong Wai Loong Sean and other matters* [2023] 4 SLR 541 ("*Re Sean Wong*") at [3].

23 Furthermore, where a significant period of time has passed since the misconduct, the latter two factors – namely, any evidence of remorse and/or efforts planned or already initiated towards rehabilitation – may take on particular importance in helping the court determine whether any further deferment of the applicant's admission is necessary: *Re Lee Jun Ming Chester and other matters* [2024] 3 SLR 1443 ("*Re Chester Lee*") at [3], citing *Re Tay Jie Qi and another matter* [2023] 4 SLR 1258 ("*Re Tay Jie Qi*") at [4]. In that regard, if 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 during that intervening period, the court may dispense with a further exclusionary period if the circumstances show that

the applicant had already been satisfactorily rehabilitated: *Re Pulara* at [61], citing *Re Tay Jie Qi* at [4] and [33]; *Re Ong Pei Qi Stasia* [2024] 4 SLR 392 at [21]–[22]; and *Re Chester Lee* at [9].

The Protective Principle

24 In addition to the Character Principle, there is a second principle that may be engaged in certain cases. That arises where, even though there is nothing before the court to suggest that a given applicant continues to face unresolved character issues at the time of the application for admission, the court may conclude, having regard to the nature of his or her misconduct (typically consisting of an offence), "that to admit the applicant would risk undermining public trust and confidence in the legal profession and the administration of justice" (the "Protective Principle"): *Re Mohamad Shafee Khamis* [2024] 6 SLR 173 ("*Re Shafee*") at [63(b)] and [120]. The Protective Principle is particularly concerned with how the public may perceive the standing, integrity and reputation of the profession if the applicant were admitted and is not linked to the rehabilitation of the applicant: *Re Shafee* at [130].

25 The factors relevant to the Protective Principle are: (a) the nature of the offence; (b) the penalty already served by the applicant; (c) the duration since the completion of the penalty; (d) efforts of the applicant directed at demonstrating his or her ability to function as a member of the legal profession; and (e) whether the court is satisfied, in the round, that the applicant is capable of being entrusted to aid the administration of justice as an officer of the court *without any risk of undermining public confidence*.

26 The Character Principle alone is sufficient for the disposal of most admissions applications. The Protective Principle only engages in exceptional circumstances, where the underlying misconduct is sufficiently grave. In such

cases, the Protective Principle serves as a matter to be considered separately, to determine what may be necessary to protect the standing of the profession. Furthermore, the Protective Principle ought to be balanced against the redemptive element that every individual ought to be given a second chance, provided that they have attained complete rehabilitation *and* their admission to the Bar would not undermine public confidence in the administration of justice: *Re Shafee* at [134]–[135].

27 With these principles in mind, I first turn to my decision regarding Mr Ariffin's application for admission in AAS 108.

Mr Ariffin Iskandar Sha bin Ali Akbar

28 The AG and the SILE objected to Mr Ariffin's application as he had published certain untruths relating to KK Women's and Children's Hospital ("KKH") in an article (the "Article") published on an online news platform known as Wake Up Singapore ("WUSG") on 23 March 2022. At the material time, Mr Ariffin was WUSG's sole administrator. He was subsequently convicted of the offence of criminal defamation under s 500 of the Penal Code 1871 (2020 Rev Ed) arising from the publication of the Article on 26 August 2024 and sentenced to a fine of $8,000.

Mr Ariffin's conviction for criminal defamation

29 Mr Ariffin disclosed the full circumstances of his conviction for criminal defamation in his fifth supplementary affidavit for admission, including the Joint Statement of Facts that was tendered in connection with his offence. I summarise the material facts concerning his conviction below.

30 On 21 March 2022, one Ms Ma Su Nandar Htwe ("Ms Su") messaged WUSG's Instagram account making false allegations against KKH (the "Story"). Specifically, she falsely alleged that while she was pregnant in February 2022, she had tested positive for COVID-19 and attempted to seek treatment from various hospitals for her abdominal pains and COVID-19 symptoms. However, they had all allegedly turned her away and directed her to go to KKH. She further claimed that while at KKH, she was forced to wait four hours before seeing a doctor, during which time she experienced bleeding from her vagina. When she eventually saw a doctor, he informed her that she had suffered a miscarriage. She further alleged that the foetus had been disposed of as medical waste and that her placenta had not been properly removed.

31 Mr Ariffin responded to Ms Su the same day through WUSG's Instagram account and asked for any medical documents that could support her claims in the Story. Ms Su sent him a medical receipt from KKH dated 28 February 2022.

32 On 23 March 2022 at 8.32pm, Mr Ariffin emailed KKH to inform it that WUSG intended to run the Story and asked if KKH wished to respond. Mr Ariffin did not wait for KKH's response and published the Story on WUSG's website, Instagram page and Facebook page 20 minutes later at 8.52pm. The Story was later picked up and published by other local news outlets.

33 On 25 March 2022 at 1.16pm, Mr Ariffin responded to two public statements by KKH on WUSG's Facebook page (the "Update"), in which he questioned why KKH had stated that it was unable to identify the patient referred to in the Story, when it had been in contact with Ms Su.

34 On 25 March 2022 at 1.50pm, KKH lodged a police report against WUSG alleging that the Story that WUSG posted was untrue. At around 3.00pm, Mr Ariffin informed Ms Su of the same. At around 4.00pm, Mr Ariffin removed the Story and the Update from WUSG's online platforms. Ms Su later admitted to Mr Ariffin that the Story was fabricated.

35 Upon learning that Ms Su's Story was untrue, Mr Ariffin apologised to KKH privately through email and asked to be put in touch with the Investigating Officer handling the police report lodged by KKH. He also published a retraction of the Story and issued an apology to KKH on WUSG's Facebook page.

36 On 26 March 2022, Mr Ariffin published another article on WUSG's website, Instagram page and Facebook page (a) containing a timeline of his interactions with Ms Su; (b) explaining that WUSG had been deceived by Ms Su; and (c) apologising for publishing the Story as it turned out to be untrue.

37 On 27 March 2022, the Ministry of Health issued a correction direction pertaining to the Story (the "Correction Direction") under the Protection from Online Falsehoods and Manipulation Act 2019 (2020 Rev Ed). Mr Ariffin published the Correction Direction on WUSG's website, Instagram page and Facebook page on the same day.

Mr Ariffin's subsequent disclosure of the defamation offence

38 Mr Ariffin filed AAS 108 on 4 April 2023. In the first supporting affidavit for his application filed on 4 January 2024, Mr Ariffin initially disclosed that he was assisting the police with investigations relating to the publication of the Article. His application was initially set down for hearing on 14 February 2024, but this was vacated. In his fifth affidavit for admission filed

on 8 November 2024, he explained that he voluntarily withheld filing his affidavit for admission for eight months, owing to these investigations.

39 In that same affidavit, Mr Ariffin further voluntarily disclosed, in the spirit of full and frank disclosure, that he had received two conditional warnings for offences under the Public Order Act (Cap 257A, 2012 Rev Ed) in 2014 and 2018. The first related to his participation in an assembly without a permit in Hong Lim Park in 2014, while the second related to his participation in a candlelight vigil outside Changi Prison in 2018.

40 On 26 August 2024, Mr Ariffin pleaded guilty to and was convicted of the criminal defamation charge. He was sentenced to and paid a fine of $8,000. During sentencing, his counsel had made no submissions on the quantum of the fine to be imposed by the court, ostensibly in a demonstration of sincere remorse.

The stakeholders' positions on Mr Ariffin's admission to the Bar

41 All the stakeholders agreed that the issue in Mr Ariffin's case was not one that affected his character. Furthermore, they did not allege that Mr Ariffin's disclosures were lacking in any way. Indeed, they noted that Mr Ariffin was cooperative and remorseful throughout the admissions process, and further disclosed all material facts concerning the investigations and his criminal defamation offence.

42 However, the AG and SILE objected to the application in AAS 108 because they considered that Mr Ariffin was not, at the time of his application, capable of being entrusted to aid in the administration of justice as an advocate and solicitor without the risk of undermining public confidence. In other words,

they contended that the "Protective Principle" (as set down in *Re Shafee*) was engaged in his case.

43 The AG submitted that while the defamation offence did not involve dishonesty, it was incompatible with the values which the legal profession stood for, namely integrity, probity and trustworthiness. The AG contended that Mr Ariffin was plainly negligent in failing to verify the allegations as against KKH before publishing them on WUSG – despite knowing that doing so could harm KKH's reputation and cause grave public concern over the state of Singapore's hospitals during the COVID-19 pandemic – if the information turned out to be untrue, as indeed it transpired. It should be noted that the AG's concern was over Mr Ariffin's *carelessness*, in failing to take reasonable care to verify the Story before it was published.

44 The AG likened Mr Ariffin's conduct to that of the solicitor in *Law Society of Singapore v Ravi s/o Madasamy* [2023] 4 SLR 1760 ("*Ravi*") at [89] and [98], who had acted without due care when he made statements to the court which he ought to have known were untrue, and which the court found to be "an affront to an *essential pillar of our legal system* with reckless disregard for the truth" [emphasis in original]. Furthermore, Mr Ariffin ought to have known the importance of ascertaining the truth before making public allegations, especially since he had worked in law firms since November 2019 and should have had some insight into the ethical obligations he would be expected to owe as an advocate and solicitor.

45 The AG added that given the nature and the gravity of the offence, the fine may not have sufficiently rehabilitated Mr Ariffin to warrant his admission at that juncture, at least in the eyes of the public, since it had only been about eight months since his conviction and fine. It was said that his case would still

be fresh in the minds of the public. Mr Ariffin's "cavalier attitude" coupled with the recency of his penalty led the AG to suggest that his admission at this time was likely to give rise to concerns in the minds of the reasonable member of the public over whether he may be entrusted with the role of an officer of the court.

46 Likewise, the SILE submitted that the nature of his offence – being criminal defamation against a public entity – was relatively serious, and only a short time had passed since his conviction and punishment. In particular, it highlighted that the offence was committed against a public hospital and had a ripple effect of spreading falsehoods about KKH, since the Story was picked up by multiple news outlets and served to erode trust in KKH.

47 Accordingly, the AG and the SILE submitted that Mr Ariffin's application should be adjourned to 26 August 2025, which would reflect a 12-month exclusionary period from the date of his conviction for criminal defamation.

48 As against this, the LSS did not object to Mr Ariffin's admission. It took the position that the Protective Principle was not engaged here because the offence was not one of serious gravity and did not involve any dishonesty.

49 Mr Ariffin did not challenge the AG's position and was willing to defer his application to 26 August 2025.

Whether Mr Ariffin's application for admission should be deferred

50 There had been no suggestion by any of the stakeholders that Mr Ariffin presented any character issue that stood in the way of his being admitted to the Bar. Indeed, he voluntarily disclosed his involvement in publishing the Article and demonstrated remorse when the Article was later retracted. He also showed

his willingness to take responsibility for his actions. He apologised to KKH privately by email, published a retraction of the story and issued an apology to KKH on WUSG's Facebook page. He had also assisted with police investigations and disclosed all the material facts relating to the incident. He had left his sentence in the hands of the court and paid his fine on the same day.

51 The key issue before me in relation to Mr Ariffin's application was thus whether the Protective Principle (as explained above at [25]) had been engaged. In my judgment, having regard to the relevant factors, it had not.

52 To reiterate, in *Re Shafee* at [133(e)], this court held that the overarching consideration under the Protective Principle is whether the applicant is capable of being entrusted to aid the administration of justice as an officer of the court without any risk of undermining public confidence. As such, the Protective Principle is typically engaged in situations involving (a) offences such as corruption or criminal breach of trust or other offences which reveal serious dishonesty; (b) offences striking at the heart of the administration of justice; and (c) offences which involve especially serious crimes: *Re Shafee* at [139].

53 Having regard to the facts of his case, Mr Ariffin's offence of criminal defamation was not one that suggested dishonesty. Based on the Joint Statement of Facts, Mr Ariffin had not at any time accepted that he *knew to be false* Ms Su's allegations concerning the way she was treated at KKH at the time he published the Article. Mr Ariffin stated that he only discovered that the Story was a fabrication two days *after* he had published the Article on WUSG, and four days after Ms Su had first made the allegations to WUSG. On the evidence, I held that there was no basis for finding that he was aware of the Story's falsity at the time he published the Article. The complaint that *can* be laid against Mr Ariffin was not that he had acted dishonestly, but rather, that he had failed to

exercise due care to ascertain the veracity of the Story before he published it. This was despite knowing that there would be serious repercussions on KKH and possibly others if, as was the case, the Story turned out to be untrue.

54 Nor could it be fairly said that Mr Ariffin was indifferent to the truth at the time when he published the Article on WUSG. As detailed above at [34]–[36], Mr Ariffin acted quickly to apologise to KKH for publishing the false Story in the Article and even offered to assist KKH in its report to the police on the matter. He also took public accountability for having been deceived by Ms Su and wanted to make the full facts of his interactions with Ms Su known to WUSG's readership.

55 In those circumstances, I held that Mr Ariffin's case was readily distinguished from the facts of *Ravi.* There, the respondent solicitor ("Mr Ravi") acted recklessly without regard for the truth when he made serious allegations on Facebook against the Prosecution for its conduct in *Gobi a/l Avedian v Public Prosecutor* [2021] 1 SLR 180 ("*Gobi*"), by (a) insinuating that it had intentionally abused its prosecutorial powers so as to take unfair advantage of his client and misled the court to impose the death sentence on that client; and (b) making serious allegations on Facebook against the LSS that it had misused its statutory powers by bringing proceedings against him for professional misconduct. In both instances, Mr Ravi was aware of the true facts of the circumstances. He had been present throughout the proceedings in *Gobi,* including when the Court of Appeal had delivered its brief grounds, and was also aware that the LSS had no discretion to decline bringing disciplinary proceedings against him, as the complaint had been filed against him by the then-Deputy Attorney-General: *Ravi* at [98] and [105].

56 In contrast, I found that it had not been shown that the present applicant was aware that the Story was false at the time he published the Article on WUSG, and once he did realise it was untrue, he set out to apologise to KKH and to inform WUSG's readership of the same. It therefore could not be said that Mr Ariffin had acted with reckless disregard for the truth as Mr Ravi did.

57 Further, Mr Ariffin's offence of criminal defamation, in the present factual context, was not one of sufficient gravity so as to attract the operation of the Protective Principle. While it was wholly unsatisfactory that Mr Ariffin proceeded to publish the Story despite it having such serious potential consequences if it proved to be false, with such inadequate verification, this remained an offence of a lack of care, rather than knowing falsehood or indifference to the truth. As such, it could not be said that the circumstances of Mr Ariffin's offence fell under the umbrella of offences that would attract the Protective Principle, as summarised above at [52].

58 Finally, I noted that Mr Ariffin had taken positive steps to re-establish his suitability for legal practice after he was found to have committed the offence. He supported lawyers in pro-bono and community work as a legal executive. He has also demonstrated remorse throughout these proceedings by indicating his willingness to accede to whatever the stakeholders considered appropriate. He also assisted in the police investigations mentioned above and was entirely forthcoming in his disclosures to the courts in his affidavits.

59 Accordingly, as it was not disputed that Mr Ariffin was, at the time of his application, a fit and proper person in terms of his character, and I found that the Protective Principle was not engaged, I decided that it was not necessary to impose a stay or adjourn his application and directed that his application for admission may be set down for hearing.

Mr Foo Zhong Yu Aaron

60 I turn to Mr Foo's application in AAS 371. The AG's and SILE's objections to Mr Foo's application stemmed from his involvement in two academic incidents while he was a student at the Singapore Management University (the "University").

Mr Foo's initial misconduct

61 The first incident occurred while Mr Foo was taking the LAW107 Legal Research & Writing II course as a first-year student at the University (the "LAW107 Incident"). This course was taught by then-Lecturer of Law Mr Nicholas Liu ("Mr Liu"). The students participated in a moot court competition, in the course of which they were required to make oral submissions and tender a written memorandum. While grading Mr Foo's memorandum, Mr Liu observed that Mr Foo may have plagiarised the work of another student. Mr Liu interviewed Mr Foo, who stated that he had discussions and unofficial moot practice rounds with one of his classmates ("Mr Lau"). Mr Foo admitted that he made an audio recording of and transcribed Mr Lau's oral arguments without his knowledge and later incorporated the transcription into his own memorandum. Mr Foo further admitted that only one out of four arguments in his written memorandum was his own work.

62 While Mr Foo expressed remorse for his actions at the time, the University noted that the likely reason for his full confession with "some prompting" was because so much of his memorandum had been plagiarised that he had "no way out". Mr Foo received an official reprimand and his grade for the memorandum was initially reduced to 18 marks out of 100. He did not appeal the penalty given. However, as other students who were reprimanded for similar offences appealed their penalties, the then-Dean of the University's law

school (the "Law School"), Assoc Prof Goh Yihan ("Prof Goh") re-examined the penalty given to Mr Foo for consistency. Prof Goh adjusted Mr Foo's grade to 34 marks out of 100 in the light of Mr Foo's remorse and the fact that this was his first offence. The LAW107 incident was the only item on Mr Foo's disciplinary record with the University.

63 The second incident occurred while Mr Foo was taking the LAW204 Constitutional & Administrative Law module (the "LAW204 Incident"). This module required him to submit a research essay. However, his essay contained phrases that appeared to have been lifted from Wikipedia without attribution, which he had presented as his own work. The offending phrases and sentences were in relation to a case that he cited in his essay. As the offending portions largely pertained to restatements of what that case had held, his instructor for this module concluded that the applicant had not been dishonest, but rather that he had been careless. Accordingly, Mr Foo's grade for the essay was reduced by two marks, on the basis that he had not followed the instructions applicable to the assignment. However, no formal disciplinary inquiry was initiated in respect of this incident, as the University deemed that it did not amount to academic misconduct.

Mr Foo's subsequent disclosures

64 Mr Foo filed his application for admission on 20 May 2024. In his first affidavit, he voluntarily declared that (a) he received an official reprimand and grade penalty for the LAW107 Incident, for committing plagiarism and/or unauthorised collaborative writing on his written memorandum; and (b) a grade penalty for the LAW204 Incident, for using several phrases and/or sentences in his research paper without attribution.

65 The AG did not ask Mr Foo for clarifications regarding the LAW204 Incident after he had filed his second affidavit. However, in relation to the LAW107 Incident, Mr Foo had not disclosed the fact of the audio recording in his first and second affidavits for admission. Mr Foo only did so after the AG requested that he file a third affidavit to clarify, among other points, whether he had taken notes and/or an audio recording of Mr Lau's oral arguments, how he had incorporated Mr Lau's notes into his memorandum, and whether he received or had sight of any written material by Mr Lau. By that time, the AG had sought information directly from the University. In response to this, Mr Foo confirmed that he took nearly verbatim notes of Mr Lau's oral arguments and recorded Mr Lau's oral submissions to address any gaps in and verify the accuracy of his notes. Mr Foo, however, stated that he did not have sight of any written material by Mr Lau and asserted that approximately 40% of the content of his memorandum reflected Mr Lau's arguments. This was inconsistent with his admission to the University at the material time that only one of four arguments in the memorandum was his own.

66 In light of these discrepancies, the AG then wrote to the University to request a copy of the Mr Foo's moot script so as to verify the extent of plagiarism in the LAW107 Incident. The University responded with a "Comparison Table", which highlighted the similarities between Mr Foo's written memorandum and Mr Lau's moot script, as well as between Mr Foo's memorandum and Mr Lau's written memorandum.

67 The AG sent the Comparison Table to Mr Foo, and requested that he file a fourth affidavit to clarify, among other points, the reasons for (a) why he omitted to mention the audio recording in his affidavits; (b) the word-for-word similarities between his memorandum and Mr Lau's; and (c) the difference between the extent of plagiarism he admitted to the University and in his second

affidavit. Mr Foo's explanation was that he had forgotten about the audio recording, and the word-for-word similarities were attributed to the earlier discussions he had with Mr Lau. He also explained that his third affidavit stated that a larger percentage of his memorandum was his own work (compared to what he had previously admitted to the University) due to a genuine mistake in his recollection.

The stakeholders' positions on Mr Foo's applications

68 The AG, SILE and LSS accepted that the LAW204 Incident did not disclose dishonesty, but a lack of academic diligence: *Re Suria Shaik Aziz* [2023] 5 SLR 1272 ("*Re Suria Shaik*") at [25]. They therefore submitted that the LAW204 Incident did not affect Mr Foo's suitability of character. However, the AG and SILE submitted that the Character Principle was squarely engaged in respect of the LAW107 Incident.

69 The AG submitted that, by intending to pass off plagiarised material as his own, Mr Foo acted dishonestly and wanted to gain an academic advantage to which he was not entitled. The fact that he had taken an audio recording of Mr Lau's arguments to fortify his own notes also suggested that Mr Foo wanted to fully plagiarise Mr Lau's arguments where possible, without Mr Lau finding out about the same. This, in its view, was a serious character defect on Mr Foo's part. The AG further made the point that Mr Foo's initial candour during the University's investigations in 2020 was tainted by "tactical realism", in that he could not reason his way out of the situation. In that regard, his later expression of remorse ought to be seen in a similar light.

70 The AG also submitted that the omission of the audio recording in Mr Foo's first two affidavits for admission suggested that he made "deliberately selective and incomplete disclosures"; he only owned up to the recording when

specifically prompted to do so by the AG and chalked up the omission to a lapse of memory. Mr Foo had also significantly downplayed the extent of his plagiarism and provided unsatisfactory reasons for the extent of plagiarism – in particular, word-for-word plagiarism – which the AG submitted could not have arisen just from oral discussions.

71 The SILE agreed with the AG's position and submitted that Mr Foo was not a fit and proper person for admission to the Bar, owing to the nature of his academic misconduct in the LAW107 Incident, the incomplete nature of his disclosures, and his attempts to present his misconduct in a more favourable light. The AG and the SILE therefore invited the court to impose a 12-month exclusionary period considering his lack of candour.

72 Against this, the LSS submitted that Mr Foo was a fit and proper person for admission, as he was remorseful and had purportedly remedied the character issues which surfaced in relation to his academic incidents. It pointed out that the academic incidents occurred around three to four years prior to his application for admission and not during the process of seeking admission or during his professional qualifying exams, and that he had completed his education and practice training contract without further incident. It took the view that Mr Foo had been forthright and cooperative during the University's investigation and had taken responsibility for his mistakes. Accordingly, it submitted that a deferment period was not necessary for Mr Foo's application.

73 Mr Foo did not contest the position taken by the AG and the SILE in respect of deferring his application.

Whether Mr Foo is a fit and proper person to be admitted to the Bar

74 In my judgment, Mr Foo was not a fit and proper person to be admitted to the Bar at the time his application came before me, in the light of his conduct and the overall circumstances of the LAW107 Incident. I did not place reliance on the LAW204 Incident, as this was assessed by the University to entail carelessness only. There was no finding of dishonesty, but rather a lack of academic diligence: *Re Suria Shaik* at [25]. The LAW204 Incident was therefore not misconduct that impinged upon Mr Foo's fitness of character.

75 I turn to the LAW107 Incident. This was guided by the factors set out in [22] above. First, in relation to the circumstances the LAW107 Incident, there was serious misconduct on Mr Foo's part. He demonstrated a grave lack of respect for Mr Lau's work by taking notes and an audio recording of his speech for the moot without his knowledge. Mr Foo's word-for-word copying from Mr Lau's memorandum could be readily seen from the University's Comparison Table, which showed that eight of Mr Foo's paragraphs in his memorandum bore a strong resemblance to Mr Lau's. Mr Foo had even repeated a typographical error found in Mr Lau's memorandum. It is evident that Mr Foo had indeed plagiarised Mr Lau's written memorandum, in addition to taking verbatim notes of Mr Lau's oral submissions. This was contrary to what he stated in response to one of the AG's questions, where he denied receiving or having sight of any written material by Mr Lau in relation to the LAW107 moot.

76 Second, in relation to Mr Foo's conduct during the initial investigations, his full confession had to be seen in light of the evidence that the University had of his plagiarism. This suggested that Mr Foo's initial confession in 2020 was not underpinned by honesty or remorse and reflected a degree of tactical realism. The University had sight of his work and Mr Lau's work, and in that

context, it would have been pointless for Mr Foo to deny the plagiarism, having essentially been caught red-handed. In and of itself, this was therefore not necessarily a strong demonstration of remorse and seen in the light of his subsequent inadequate disclosures to the court, attracted little, if any, weight.

77 Third, in relation to Mr Foo's subsequent further disclosures relating to the LAW107 Incident, Mr Foo appeared to have understated the extent of his plagiarism. In his second affidavit, Mr Foo purported to give a full account of the LAW107 Incident. He had also expressed remorse for the incidents of misconduct and his commitment to uphold the highest standards of integrity in his work. Although his second affidavit gave the impression of candour and full disclosure, he left out the crucial fact that he had recorded Mr Lau's oral arguments and vastly understated the extent of his plagiarism. He only disclosed the fact of the audio recording and his verbatim notes of Mr Lau's speech at the AG's prompting, and his statement that only 40% of his memorandum reflected Mr Lau's arguments contradicted his earlier admission to the University. Furthermore, Mr Foo claimed that he did not receive or have sight of any written material from Mr Lau, which as I found earlier, was plainly contradicted by the University's Comparison Table.

78 Furthermore, in his fourth affidavit, Mr Foo claimed that he had sincerely forgotten about the audio recording and about what he admitted to the University at the time of the LAW107 Incident, stating that he only recalled relying on the notes he had taken to reference Mr Lau's arguments. I was not inclined to accept this at face value.

79 While the LAW107 Incident occurred quite some time earlier, in his first year of university, the fact of the audio recording and his admission to the University that only one out of four arguments were his own are not things I

would have expected him to forget. It is notable that these matters only emerged when he was confronted by the AG with the University's record of his misconduct. Mr Foo received a significant penalty for his misconduct – his grade for the written memorandum was reduced to 18 marks out of 100, which constituted 40% of his final grade for the course. As a first year student, there is no doubt that he would have felt the sting of this loss, and these are not things that are easily forgotten.

80 Furthermore, the word-for-word similarities, and how he had recorded Mr Lau's arguments (by noting it down and confirming his notes against the audio recording) suggested a not insignificant level of effort put in to plagiarise Mr Lau's work. Despite the length of time since the incident, I did not think he would have forgotten those facts so easily. In my view, it appeared from the consistent way in which these events were being recast in a more favourable light when he was applying for admission that Mr Foo was in fact attempting to downplay the extent of his misconduct. This reflected a lack of candour which suggested a failure on his part to fully come to terms with his character issues.

81 Fourth, Mr Foo's expressions of remorse in his affidavits are to be seen in the light of these non-disclosures. He did express his regret at plagiarising Mr Lau's work, and indeed it does operate in his favour that he had not repeated any offence involving dishonesty since the LAW107 Incident. Nevertheless, these must be juxtaposed against his incomplete disclosures as highlighted above. In my view, Mr Foo was not full and frank in his disclosure of his misconduct to the court and had omitted to mention certain facts of his misconduct. This suggested a lack of appreciation of his duty of candour to the court at this time.

82 In my judgment, it was therefore necessary to impose a deferment period on Mr Foo's application to allow him time to reflect on his prior misconduct and address his character issues.

The appropriate length of Mr Foo's exclusionary period

83 Having regard to my analysis of the factors above, I imposed an 18-month exclusionary period on Mr Foo's application for the following reasons.

84 First, Mr Foo's misconduct was, as discussed above, undoubtedly serious. Mr Foo explained in his second affidavit that his misconduct was "primarily a result of [his] fear of failure and the lack of confidence in [his] own work", and that he was worried that he would not be able to produce quality work on his own. In that vein, he "genuinely did not intend to steal [his] friend's work or pass it off as [his] own". I found this contradictory. It seemed to me that he did "steal" his friend's work precisely because he lacked confidence in his own ability. Mr Foo's actions showed a fundamental disregard for doing what was plainly right. A willingness to appropriate the work of others when under pressure pointed to a lack of respect or regard for others and also suggested a serious character defect that needed time to address.

85 Furthermore, the fact that he had essentially carried out an elaborate plan to copy Mr Lau's work to the fullest extent possible (by taking verbatim notes of his speech and even an audio recording of it) suggested a high degree of planning and premeditation. This is contrasted with the various applicants in *Re Sean Wong* at [9] and [36], who had either copied and pasted another candidate's answer into their own answer scripts or shared their answers during the Part B examinations in circumstances that did not suggest such premeditation.

86 Second, Mr Foo was not entirely truthful to the court and had only come clean with some prodding from the AG, after it had obtained the University's record of the LAW107 Incident. When finally cornered with the discrepancies between his disclosures and the University's record, he resorted to claiming that he had a lapse in memory, which I did not accept.

87 Third, I repeat my finding on Mr Foo's remorse above. Mr Foo's statements on his insight into his actions had, unfortunately, to be viewed in the light of his serious non-disclosures.

88 In those premises, I decided that an 18-month exclusionary period was appropriate for Mr Foo to further reflect on and remedy his existing character issues. Mr Foo's admission hearing had not initially been fixed for hearing before the AG and the SILE's objections were made known. His application was then fixed for hearing before me on 20 May 2025 on the issue of whether to stay or adjourn the application. I later decided to hear this matter on paper and gave my decision on 16 July 2025. In those circumstances, I ordered that Mr Foo's 18-month exclusionary period was to run from the date of my decision. Applying the framework at [20] above, I ordered his application to be stayed for the duration of his deferment period to prevent any issues of deemed discontinuance of his application.

Mr Harish Rai

89 Finally, I turn to Mr Rai's application in AAS 565. The AG, SILE and LSS objected to his application on the ground that he had committed an academic offence involving plagiarism during the first year of his Bachelor of Laws programme at the University. He plagiarised another student's work in a legal memorandum that he submitted as part of the LAW107 Legal Research & Writing II course ("LRW II").

Background to Mr Rai's academic offence

90 Mr Rai filed his application for admission on 9 July 2024, but did not disclose the offence in his first affidavit for admission. He then filed a second affidavit to "address a significant omission" in his earlier affidavit, after a University professor reminded him to declare the official reprimand he had received for plagiarism.

91 It emerged from the account in the second affidavit that on 17 February 2020, Mr Rai sent a draft memorandum to Mr Liu, his course instructor in LRW II, for comments. Mr Rai later submitted his memorandum on 22 February 2020 and declared that he had abided by the University's Code of Academic Integrity.

92 In the process of grading his memorandum, Mr Liu formed the view that Mr Rai may have committed plagiarism, because Turnitin, the software used by the University to identify potential instances of plagiarism, flagged that certain paragraphs were similar to a memorandum that had been submitted by another student ("Ms Wee"). Mr Liu arranged for an online meeting with Mr Rai on 4 May 2020, in the course of which Mr Liu highlighted the similar paragraphs. Mr Rai later emailed Mr Liu, and conceded that there was similarity of phrasing and arguments between his memorandum and Ms Wee's, but wanted to reassure Mr Liu that he did not copy her memo, only that he "looked through her memo on" to help her proofread it. He maintained that his memorandum was entirely his own work and that the similarities between his memorandum and Ms Wee's were purely a matter of coincidence. After the interview, Mr Rai sent a follow up email to Mr Liu which reiterated that the similarities were purely a coincidence and brought about probably because they used the same sources.

93 Ms Wee confirmed that she wrote her memorandum independently but sent it to Mr Rai to help her check for errors and that her citations were correct;

she did not have sight of Mr Rai's memorandum before submitting her own. The University found that she did not copy any part of Mr Rai's memorandum.

94 The LRW II instructors rejected Mr Rai's explanations. They came to the view that the only possible inference was that Mr Rai had lifted the offending portions directly from Ms Wee's draft memorandum. That was because the offending portions were not found in the first draft memorandum that he had sent to Mr Liu on 17 February 2020, but only in the final memorandum submitted on 22 February 2020 after he had seen Ms Wee's submission. Furthermore, the similarities between Mr Rai's memorandum and Ms Wee's memorandum could not be explained by the fact that they may have used the same sources, because none of their common sources contained the interpretation, structure and phrases that were common to both memoranda. The similarities between Mr Rai's memorandum and Ms Wee's memorandum were also so striking that they could not have been similar purely by coincidence. The University also concluded that Mr Rai showed "no remorse" because he maintained his innocence even after being warned that further dishonesty in his answers would be taken seriously. Mr Liu conveyed this to Assoc Prof Lee Pey Woan, who was then the Associate Dean of the Law School.

95 On 12 May 2020, the University notified Mr Rai that he was found to have committed the academic offence of plagiarism, which was a serious violation of the University's Code of Academic Integrity. The University reduced his grade for the memorandum to 10 marks and gave him an official reprimand.

96 On 13 May 2020, Mr Rai appealed to Prof Goh, who was then the Dean of the Law School. Mr Rai insisted that he did not plagiarise Ms Wee's memorandum. However, on 3 and 4 June 2020, Prof Goh informed Mr Rai that

he had determined that the academic violation did take place, and that there were no grounds for varying the earlier decision.

The inconsistencies in Mr Rai's disclosures

97 Although Mr Rai declared this incident in his second affidavit, there were two inconsistencies between Mr Rai's account of the University's investigation into his academic offence and the information provided by the University to the AG. These related to the extent of the unauthorised collaboration which Mr Rai admitted to, and the extent of his admission of wrongdoing in the University's initial investigations.

98 First, Mr Rai had downplayed the extent of the unauthorised collaboration which he admitted to. In relation to whether he had discussed his memorandum with Ms Wee, he disclosed in his second affidavit that "[w]hile working on [his memorandum], [he] discussed a few relevant issues and points" with Ms Wee and that he told Mr Liu that he had discussed the memorandum with Ms Wee. However, the University's records showed that during the initial investigations, his claim was that he did not have discussions with Ms Wee and that the similarities in the memoranda happened serendipitously.

99 Second, Mr Rai stated in his second affidavit that he had owned up to his wrongdoing before the University. In his second affidavit, Mr Rai stated that he "did admit [to Mr Liu] that [he] discussed the memo with [Ms Wee] and had seen her draft after [he] had completed [his]", and that he "told [Mr Liu] that [he] copied certain phrases and wordings to use in [his] memo". However, this was not true. The University's records showed that he did not admit to copying from Ms Wee's memorandum. Indeed, his disclosure in his second affidavit was contrary to the University's finding that he showed no remorse at the material

times, and in particular, that at no point did his admit to copying from Ms Wee's memorandum during the initial investigation.

100 During his online discussion with Mr Liu on 4 May 2020, Mr Rai had insisted that the similarities arose out of coincidence and reiterated the same in his email to Mr Liu later that day. Before Prof Goh, Mr Rai again denied copying any writing from Ms Wee and again attributed the similarities in their memoranda to coincidence or common sources.

101 As for Mr Rai's explanation for omitting to declare his academic misconduct in his first affidavit, he maintained in his second affidavit that he had "genuinely forgotten about this incident" until reminded to do so by Prof Benjamin Ong on 14 August 2024. He further explained, in relation to the matter of the extent of his unauthorised collaboration with Ms Wee, that he meant that he had not discussed the substantive parts of his memorandum with her. He also clarified that when he said in his affidavit that he had "copied" Ms Wee's work, he meant that he had "recalled" these words and phrases from her memorandum and not that he copied these materials directly. In relation to whether he had owned up to his wrongdoing before the University, he explained in his fifth affidavit that he "may not have exactly told Mr Liu that [he] copied or used 'certain words and phrases'". He attributed the discrepancies in his account to how it was "challenging to recall whatever was said over a short online call [to Mr Liu], four and a half years ago". No other explanation was given for these discrepancies.

The stakeholders' positions on Mr Rai's application

102 The AG, SILE and LSS all objected to AAS 565. They submitted that Mr Rai was not fit for admission to the Bar, on account of unresolved character issues that became evident during his application for admission. This included

(a) the seriousness of his academic offence; (b) Mr Rai's denial of any misconduct during initial investigations by the University; and (c) the lack of candour in his affidavits for admission, where he (i) initially failed to disclose the academic offence; (ii) gave a false account of his conduct during the University's investigations; and (iii) downplayed the extent of the plagiarism in his application papers.

103 Mr Rai disagreed. He submitted that he was suitable for admission in terms of his character. He further submitted that he had provided the stakeholders with the relevant information in relation to his academic offence to the best of his knowledge and recollection, and that he was actively involved in community service as part of his commitment to rehabilitating himself.

104 The stakeholders varied in their views as to the appropriate length of the deferment period to be imposed on Mr Rai. The AG and SILE sought an exclusionary period of 12 months, based on the similarity of the academic offence committed by Mr Rai with that in *Re Suria Shaik*, who also only made partial disclosure of the circumstances surrounding his plagiarism incident in his admissions affidavit.

105 The LSS, on the other hand, submitted that a shorter exclusionary period of three to six months would suffice. This was based on the fact that Mr Rai did initially disclose his academic incident without having to be prompted by the stakeholders, and that the discrepancies in his account could be attributed to the significant time that has passed since the academic incident occurred. In its view, Mr Rai had also made efforts to be more transparent in his subsequent affidavits for admission by taking proactive steps to seek clarifications from the University on the matter, which evidenced a growing appreciation of his duty of candour.

Whether Mr Rai is a fit and proper person to be admitted

106 The key issue before me in relation to Mr Rai's application was his fitness of character. In my judgment, having regard to the relevant factors as set out at [22] above, I found that Mr Rai was not yet a fit and proper person to be admitted to the Bar.

107 First, the circumstances of his academic offence were serious. Like Mr Foo, Mr Rai had demonstrated an utter lack of respect for his classmate's work and the trust she had placed in him. Mr Rai had taken advantage of the opportunity to read Ms Wee's memorandum and used it to gain an unfair advantage by supplementing the arguments in his own memorandum. That was clear from how the offending paragraphs had only appeared in his final memorandum and were not in the draft memorandum initially sent to Mr Liu.

108 Even then, the sheer extent of copying could not be excused. Mr Rai had attempted to explain away the similarities by saying that he and Ms Wee had relied on common sources. But, having looked at the offending paragraphs furnished by the University to the AG, the turns of phrase and the cases that were cited pointed to copying, with only minor changes having been made. This was especially evident in the analysis portion of these paragraphs, which bore the same substance, structure, and idiosyncratic turns of phrase. Indeed, that was the conclusion reached by the team of LRW II instructors who had handled the matter. Thus, as I pointed out in Mr Foo's application above, Mr Rai's conduct reflected a lack of respect and regard for Ms Wee, and suggested a quite serious character defect that had to be remedied before he could be admitted to the Bar.

109 Second, in the initial investigations, Mr Rai did not come clean at all and showed no remorse. During the online meeting with Mr Liu, his subsequent email to Mr Liu and his meeting with Prof Goh to discuss his appeal against the

University's finding of misconduct, Mr Rai maintained that he had not plagiarised Ms Wee's work. He did not admit to his wrongdoing at all during the initial investigation. He maintained throughout the entire investigation that the similarities were either coincidental or occasioned by their use of the same sources. The University's record even noted that he maintained this position, even though he was asked repeatedly during his interview with Mr Liu if he wished to reconsider his answers and that dishonesty would be taken seriously; despite being showed the highly similar paragraphs, he continued to maintain his position that he had not plagiarised Ms Wee's work.

110 Mr Rai's conduct during the initial investigation was egregious because he protested his innocence in his emails to Mr Liu and Prof Goh, even after stating that he understood the consequences of any plagiarism were severe. Instead of coming clean, he tried to shirk any responsibility by maintaining that no punishment should be imposed for "coincidental instances where the cases and materials … refer[red] to are all similar for an identical assignment question … that is not within [his] control". However, the University's finding was that the similar turns of phrase and structuring of his arguments could not be attributed to the use of same sources. Even if they had looked at the same sources, this could not explain the common interpretation, structure and turns of phrase in the offending paragraphs.

111 Third, in relation to Mr Rai's subsequent disclosure of the academic incident in his application for admission, Mr Rai had only disclosed his academic offence in his second affidavit for admission, and even then, his disclosures were piecemeal and gave the impression that he was downplaying the extent of his plagiarism. This was evident from the way he maintained in his affidavits for admission that he had not copied directly from Ms Wee. Furthermore, although Mr Rai had disclosed his academic offence before he

was asked to do so by the stakeholders, this was only after being reminded to do so by professors of the University, who had specifically reached out to him to remind him to declare his academic offence.

112 While Mr Rai claimed that his initial non-disclosure was due to forgetfulness, I did not accept this explanation. Although the incident occurred nearly five years ago while he was a first-year student, Mr Rai had been interviewed by Mr Liu and, from the emails he had sent to Mr Liu following that, he seemed to have been genuinely concerned as to the consequences he would face if the University found him to have committed plagiarism. He had followed up three times with Mr Liu and stated that he was "worried and thinking about this issue". The stress of the investigations and his eventual appeal to Prof Goh took place over one month. In his appeal letter to Prof Goh, he had even mentioned that he was "heavily affected" by the incident. Quite evidently, Mr Rai was genuinely concerned as to the consequence he would face if the University concluded that he had committed plagiarism. Furthermore, Mr Rai received an official reprimand and his grade for the memorandum was reduced to 10 marks. He would have undoubtedly felt the sting of this penalty in addition to whatever anxiety he felt over the academic incident. Indeed, he even recounted in his affidavit that the incident caused him so much stress that he "could neither eat nor sleep for several nights".

113 The stress of the investigation, the official reprimand and the grade reduction he was given, and the anxiety he faced over this incident all suggested that he could not have forgotten about his academic misconduct so easily. Further, Mr Rai misrepresented the facts that emerged from the University's investigations and attempted to characterise his own conduct during the investigations as being more forthright and candid than he had actually been.

114 Fourth, Mr Rai's purported expressions of remorse in his affidavits did not take him far. While his second to fifth affidavits appeared to provide an account of his academic misconduct, even stating in his fourth affidavit that he reached out to Mr Liu (who did not respond) to ensure that he did not mispresent or miss out on anything, Mr Rai did not disclose the fact that he had not come clean at all during the University's investigations. Even in his written submissions filed in support of his application for admission, Mr Rai maintained that he was suitable for admission in terms of his character, as he had "to the best of his knowledge and recollection, provided the [AG, SILE and LSS] with the relevant information in relation to his academic offence", and that he was "forthcoming with his mistake". This was untrue, and it showed that Mr Rai did not fully appreciate the extent of his non-disclosures and/or the shifting of his narrative in relation to his academic offence. This did not square well with his later submission that "[o]ver the course of [the eight months during which his application was adjourned], [he had] reflected further on the significance of his mistake and the importance of his duty of candour owed to the [c]ourt". In light of the discrepancies that I have discussed above, his expressions of remorse appeared more to be platitudes than a genuine understanding of the nature and extent of his wrongdoing. It bears noting that Mr Rai's submissions were written by himself, since he was unrepresented in these proceedings.

115 Fifth, Mr Rai submitted that he had made efforts planned at rehabilitation, such as being "actively involved in community service as part of his commitment to rehabilitation" through his participation in grassroots community service projects. Even ignoring the fact that this was raised by way of submissions and not on affidavit, this did not count for much given his continued inability to grasp the seriousness of his misconduct and the discrepancies in his disclosure of that misconduct.

116 Therefore, notwithstanding that it had been five years since his academic misconduct occurred, and that he had maintained a clean record since then, Mr Rai had not shown that he had made sufficient progress to rehabilitate himself in respect of this misconduct, or that he appreciated the significance of his wrongdoing. In my judgment, it was therefore necessary to impose a sufficient deferment period on Mr Rai to allow him time to reflect on his prior misconduct and address his character issues.

The appropriate length of Mr Rai's exclusionary period

117 Turning to the appropriate exclusionary period to be imposed on Mr Rai, I considered that it was appropriate to impose a three-year exclusionary period from the date of my decision for the following reasons.

118 First, Mr Rai's misconduct at the time of the academic offence was serious. There was no indication of any remorse or any explanation as to why he committed the academic offence. Instead, he baselessly maintained his innocence throughout the University's entire investigation. This was indicative of a fundamental lack of integrity and disregard for Ms Wee's work and trust, which was then aggravated by a lack of regard for the University's disciplinary process. Although Mr Rai may not have set out with the premeditated intention of copying Ms Wee's memorandum, it was clear from the extent of copying found in his work that he did take advantage of the fact that he could look at and copy from her work.

119 Second, I reiterate my finding above that Mr Rai was not truthful in his disclosures to the stakeholders and to the court. He did not come clean before the University, and before the court, he did not fully own up to his previous misconduct. Even when he was faced with the University's record of his non-admission to his academic misconduct during its initial investigation, he gave

unsatisfactory and implausible explanations for the inconsistencies in his presentation of his academic offence.

120 Third, on Mr Rai's assertion of remorse, his bare statements on his insight into his actions had to be viewed in light of his continued failure to come to grips with the truth.

121 Therefore, I found that a longer exclusionary period of three years was warranted. I considered that the unresolved character issues in his case were similar to those raised in *Attorney-General v Shahira Banu d/o Khaja Moinudeen* [2024] 4 SLR 1324 ("*Shahira Banu*"), where a four-year deferment period was imposed. Both applicants had sought to downplay the severity of their initial misconduct and there was some suppression of the fact of the misconduct in their affidavits, although the solicitor in *Shahira Banu* ("Ms Shahira") did not disclose her academic misconduct at all, and Mr Rai eventually made some disclosure, albeit in a manner inconsistent with the University's record of his misconduct. However, Mr Rai's lack of remorse during the initial investigation contrasted with Ms Shahira's "very apologetic" response to her university's finding of plagiarism against her: *Shahira Banu* at [6]. Furthermore, while Ms Shahira did not contest the fact that she had committed plagiarism (*Shahira Banu* at [52]–[54]), Mr Rai still maintained in his fifth affidavit for admission that he had never referred to Ms Wee's memorandum when writing his own, which was untenable given the University's findings as outlined above. I therefore considered that a similar deferment period was needed in Mr Rai's case.

122 Mr Rai's application for admission was initially fixed for hearing on 11 September 2024. I ordered that his three-year deferment period run from the date of my decision, which was 16 July 2025. This brought his total deferment

period to about three years and 10 months. I considered that this was appropriate, considering that Mr Rai's application brought up similar character issues to those identified in *Shahira Banu*. As the deferment period was for more than 12 months, applying the framework at [20] above, I ordered that his application be stayed to prevent any deemed discontinuance of his application.

Conclusion

123 For the reasons stated above, I found that:

(a) Mr Ariffin was a fit and proper person to be admitted to the Bar, and made no order to stay or adjourn his application;

(b) Mr Foo was not a fit and proper person to be admitted on account of his character issues, and ordered that his application be stayed for 18 months from 16 July 2025; and

(c) Mr Rai was not a fit and proper person to be admitted on account of his character issues, and ordered that his application be stayed for three years from 16 July 2025.

124 Furthermore, to bring Mr Foo's and Mr Rai's cases in line with other cases where withdrawal of the applicants' admissions application was allowed by this court, I imposed the following conditions on their applications: (a) Mr Foo and Mr Rai were to undertake that no other applications for admission will be made in the meantime to any jurisdiction, and (b) the lifting of the stay in due course will be subject to the reasonable requirements of the stakeholders and the court being shown to be met.

125 I made no order as to costs of the applications, as this was not sought by the stakeholders.

Sundaresh Menon
Chief Justice

Mr Jordan Tan (Audent Chambers LLC) (instructed), Mr Eugene Singarajah Thuraisingam and Mr Ng Yuan Siang (Eugene Thuraisingam LLP) for the applicant in AAS 108;
The applicant in AAS 371 in person;
The applicant in AAS 565 in person;
Mr Jeyendran Jeyapal, Ms Rachel Tan and Mr Chng Luey Chi (Attorney-General's Chambers) for the Attorney-General in AAS 108;
Ms Sanjna Rai (Attorney-General's Chambers) for the Attorney-General in AAS 371;
Ms Sarah Shi and Ms Jasmine Goh (Attorney-General's Chambers) for the Attorney-General in AAS 565;
Mr Kenneth Lim Tao Chung (Allen & Gledhill LLP) for the Law Society of Singapore in AAS 108;
Mr Michael Palmer and Ms Megan Ong (Quahe Woo & Palmer LLC) for the Law Society of Singapore in AAS 371 and AAS 565;
Ms Rachel Tan Xi En, Mr Mario Khoe and Mr Valen Lim (Singapore Institute of Legal Education) for the Singapore Institute of Legal Education in AAS 108;
Mr Darius Chan (Breakpoint LLC) for the Singapore Institute of Legal Education in AAS 371;
Mr Calvin Liang and Ms Rochelle Lim (Calvin Liang Chambers LLC) for the Singapore Institute of Legal Education in AAS 565.