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

[2025] SGHC 230

Originating Application No 13 of 2024

In the matter of Sections 94(1) and 98(1) of the Legal Profession Act 1966

And

In the matter of Tan Jeh Yaw, an Advocate and Solicitor of the Supreme Court of the Republic of Singapore

Between

Law Society of Singapore

… *Applicant*

And

Tan Jeh Yaw

… *Respondent*

GROUNDS OF DECISION

[Legal Profession — Disciplinary proceedings — Sentencing]
[Legal Profession — Show cause action]

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Law Society of Singapore
v
Tan Jeh Yaw

[2025] SGHC 230

Court of 3 Supreme Court Judges — Originating Application No 13 of 2024
Steven Chong JCA, Belinda Ang Saw Ean JCA and Hri Kumar Nair JCA
11 November 2025

8 December 2025

Hri Kumar Nair JCA (delivering the grounds of decision of the court):

1 C3J/OA 13/2024 ("OA 13") was an application by the Law Society of Singapore (the "applicant" or the "Law Society") for Mr Tan Jeh Yaw (the "respondent"), an advocate and solicitor of the Supreme Court of Singapore, to be sanctioned under s 83(1) of the Legal Profession Act 1966 (2020 Rev Ed) (the "LPA").

2 From January 2019 to July 2019, the respondent purported to act as a supervising solicitor for two practice trainees when he was not qualified to do so, and had therefore breached r 18(1)(*b*) of the Legal Profession (Admission) Rules 2011 (the "Admission Rules"). The applicant brought, and the respondent pleaded guilty to, two charges for breaching the Admission Rules (the "Charges" collectively, the "1st Charge" and "2nd Charge" respectively). A disciplinary tribunal (the "DT") found cause of sufficient gravity in relation to both charges.

3 In OA 13, the Law Society submitted, and the respondent accepted, that due cause had been shown under s 83(1) of the LPA. The only substantive issue was the appropriate sanction to impose on the respondent. After hearing the parties, we imposed a suspension of 12 months on the respondent. These are the reasons for our decision.

Facts

4 The respondent was admitted as an advocate and solicitor on 9 February 2011. Prior to his admission, the respondent served about 16 months as a Deputy Public Prosecutor.

5 The respondent was at all material times the sole proprietor of his own practice, Tan Jeh Yaw Law Chambers ("the Firm").[1]

6 From January 2019 to July 2019, the respondent purported to act as a supervising solicitor to two practice trainees, Mr K and Mr L (together, the "Trainees").[2] It was not disputed that the respondent was not qualified to be a supervising solicitor under r 18(1)(*b*) of the Admission Rules, as he did not hold a practising certificate for five or more years in the seven years before he commenced the Trainees' supervision:

> (a) Mr K commenced his practice training with the Firm on 3 January 2019. On that date, the respondent had only held a practising certificate for three years, one month and 22 days in the preceding seven years.

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1 ` Agreed Statement of Facts (Amendment No. 1) in DT/4/2024 dated 1 July2024 ("ASOF") at para 1.

2 ASOF at para 3.

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(b) Mr L commenced his practice training with the Firm on 4 January 2019.[3] On that date, the respondent had only held a practising certificate for three years, one month and 23 days in the preceding seven years.

7 Between 2 January 2019 and 22 May 2019, the Firm issued three letters to the Singapore Institute of Legal Education ("SILE") dated 2 January 2019 (the "First Letter"), 15 March 2019 (the "Second Letter") and 22 May 2019 (the "Third Letter") to register the Trainees' practice training contracts.[4] The respondent signed off on these letters.[5]

8 In the First Letter, the respondent confirmed that "[he met] all the requirements set out in Rule 18(1) of the Admission Rules" to act as the supervising solicitor of Mr K. In both the Second Letter and the Third Letter, the respondent confirmed that "[he met] all the requirements set out in Rule 18(1) of the Admission Rules" to act as the supervising solicitor of Mr L.[6]

9 Under the Admission Rules, a practice trainee is required to exhibit a certificate of diligence from the Singapore law practice from which he received supervised training in relation to the practice of Singapore law ("Certificate of Diligence").[7] In July 2019, the respondent signed the Certificates of Diligence for the Trainees, certifying that they had both "received supervised training in the practice of Singapore law". In this respect:[8]

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3 ASOF at para 6.

4 ASOF at para 7.

5 ASOF at para 8.

6 ASOF at paras 9–10.

7 ASOF at paras 12–13.

8 ASOF at para 14.

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(a) On 12 July 2019, the respondent signed Mr L's Certificate of Diligence.

(b) On 26 July 2019, the respondent signed Mr K's Certificate of Diligence.

(c) On 29 July 2019, the SILE informed Mr K that his Certificate of Diligence had to be re-signed due to an error. On 31 July 2019, the respondent re-signed Mr K's Certificate of Diligence with the necessary corrections.

Mr K's admission to the Bar and the discovery of the respondent's breaches

10 On or around 27 May 2019, Mr K filed AAS No X of 2019 ("AAS No X"), which was his application for admission as an advocate and solicitor of the Supreme Court of Singapore.[9]

11 For the purposes of AAS No X, the respondent was required to complete and certify a practice training checklist as set out in Schedule 5 of the SILE's Guidelines For Practice Training Contracts (the "PTC Checklist") to confirm the training which Mr K had received during his practice training with the Firm. In particular, the PTC Checklist required the respondent to confirm the areas of practice which Mr K had been exposed to.[10]

12 On 26 July 2019, the respondent provided Mr K with a signed PTC Checklist which indicated, amongst other things, that Mr K had not been exposed to the practice areas of civil litigation, criminal litigation, corporate

9 ASOF at para 11.

10 ASOF at para 15.

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practice, and conveyancing. On 27 July 2019, Mr K prepared an amended PTC Checklist that, in his view, accurately reflected the practice areas he had been exposed to and sent it (with his reasons for the amendments) to the respondent for approval. Mr K sent a reminder informing the respondent that he hoped to submit the necessary documents to the SILE by 28 July 2019. On 29 July 2019, as there was no response from the respondent, Mr K submitted the necessary documents (including the amended PTC Checklist) to the SILE (the "SILE Submission").[11]

13 On 14 August 2019, the respondent filed a notice of objection in AAS No X objecting to Mr K's admission application (the "Notice of Objection"). In the Notice of Objection, the respondent alleged that Mr K had not served his practice training period with diligence and was not a fit and proper person for admission as an advocate and solicitor because Mr K had, amongst other things, allegedly played computer games and watched movies during office hours.[12]

14 By way of a letter dated 16 October 2019, the Attorney-General's Chambers (the "AGC") informed Mr K that the SILE Submission (by which Mr K had enclosed the amended PTC Checklist without obtaining express approval from the respondent) would be referred to the police for investigations. In the letter, the AGC invited Mr K to consider adjourning the hearing of AAS No X, which had been fixed for 13 November 2019. Mr K agreed to do so. The hearing of AAS No X was subsequently adjourned to 11 November 2020.[13]

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11 ASOF at paras 16–19.

12 ASOF at para 20.

13 ASOF at paras 21–22.

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15 On 27 April 2020, Mr K started a fresh practice training period as a practice trainee with Tan & Au LLP. He completed his training at Tan & Au LLP on 26 October 2020.[14]

16 On or around 24 July 2020, the police concluded their investigations and issued Mr K with a stern warning in lieu of prosecution for the offence of forgery under s 465 of the Penal Code (Cap 224, 2008 Rev Ed).[15]

17 On 20 October 2020, Mr K filed a fresh admission application *vide* AAS No Y of 2020 ("AAS No Y"). Mr K also applied to withdraw AAS No X. On 9 November 2020, the respondent attended the hearing for the withdrawal of AAS No X. At the hearing, the respondent informed the Court that he would continue to object to any admission application by Mr K. This position was subsequently confirmed by way of affidavits filed by the respondent.[16]

18 It was later discovered that, during the seven years prior to taking on Mr K as a practice trainee of the Firm on 3 January 2019, the respondent had only held a practising certificate for three years, one month and 22 days, being the following periods:[17]

(a) 1 September 2014 to 31 March 2015 (211 days);

(b) 9 June 2016 to 31 March 2017 (295 days);

(c) 1 April 2017 to 31 March 2018 (365 days); and

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14 ASOF at para 23.

15 ASOF at para 24.

16 ASOF at paras 26–28.

17 ASOF at para 29.

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(d) 1 April 2018 to 2 January 2019 (276 days).

This fell far short of the minimum of five years prescribed by r 18(1)(*b*) of the Admission Rules (the "Look-Back Period Shortfall").

19 Accordingly, Mr K's practice training at the Firm would not and could not have counted toward fulfilling the requirements under s 13(1)(*c*) of the Legal Profession Act (Cap 161, 2009 Rev Ed) read with r 14(2) of the Admission Rules. In or around early April 2021, Mr K (through his solicitors) informed the respondent of the Look-Back Period Shortfall.[18]

20 On 5 April 2021, at the hearing of AAS No Y, the respondent withdrew his objections to Mr K's admission application in AAS No Y. Accordingly, AAS No Y was granted and Mr K was admitted as an advocate and solicitor of the Supreme Court of Singapore on 5 April 2021.[19]

Mr L's admission to the bar

21 On 23 June 2020, Mr L filed his admission application in AAS No Z of 2020 ("AAS No Z"). On or around 25 August 2020, AAS No Z was granted, and Mr L was admitted as an advocate and solicitor of the Supreme Court of Singapore.[20]

22 After it was discovered that the respondent had not been qualified to act as a supervising solicitor, Mr L was contacted by the Law Society to discuss regularising his admission as an advocate and solicitor. On or around 19 July

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18 ASOF at paras 30–31.

19 ASOF at para 32.

20 ASOF at paras 33–35.

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2022, Mr L made an application to the Minister for Law, pursuant to s 14(5) of the LPA, to be exempted from the requirement to serve his practice training period. On or around 27 July 2022, the Minister for Law granted Mr L's exemption application.[21]

23 The Ministry of Law also informed Mr L of certain conditions he would have to meet to regularise his admission as an advocate and solicitor. It is not clear to us whether those conditions have since been satisfied.[22]

Events subsequent to the discovery of the respondent's breaches

24 By a letter dated 25 November 2022, the Attorney-General referred the respondent's conduct to the Law Society and requested that the matter be referred to a disciplinary tribunal, pursuant to s 85(3)(*b*) of the LPA.[23] On 14 December 2022, the respondent wrote to the Law Society to state that he was prepared to plead guilty to the complaint brought by the Attorney-General. The respondent also stated that he was willing to undertake to not renew his practising certificate for a period of 18 months from 1 April 2023, pointing out that the Court of 3 Justices (the "C3J") had in another case imposed a period of suspension of 18 months for a similar breach of r 18(1)(*b*) of the Admission Rules: *Law Society of Singapore v Lun Yaodong Clarence* [2023] 4 SLR 638 ("*Clarence Lun (C3J)*") at [103]. The respondent urged the Law Society to consider discontinuing the matter against him given his offer of a voluntary suspension.[24]

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21 ASOF at paras 38–39.

22 ASOF at para 40.

23 ASOF at para 2.

24 ASOF at para 42.

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25 The Law Society replied stating that it was not empowered to "discontinue" the matter as requested, and that the matter had to be investigated by a disciplinary tribunal as required under the LPA.[25]

26 The matter therefore proceeded, and the two charges brought by the Law Society against the respondent were as follows:[26]

> **1st Charge**
>
> You, TAN JEH YAW, an Advocate and Solicitor of the Supreme Court of Singapore, are guilty of contravening Rule 18(1)(b) of the Legal Profession (Admission) Rules 2011, by being the supervising solicitor during the practice training period of [Mr K], who was a practice trainee serving his practice training period under a practice training contract with Tan Jeh Yaw Law Chambers from 3 January 2019 to 11 July 2019, while having in force a practicing certificate of a period of less than 5 out of the 7 years immediately preceding the date of the commencement of your supervision of [Mr K], which warrants disciplinary action within the meaning of Section 83(2)(j) of the Legal Profession Act (Cap. 161, 2009 Rev Ed).
>
> **2nd Charge**
>
> You, TAN JEH YAW, an Advocate and Solicitor of the Supreme Court of Singapore, are guilty of contravening Rule 18(1)(b) of the Legal Profession (Admission) Rules 2011, by being the supervising solicitor during the practice training period of [Mr L], who was a practice trainee serving his practice training period under a practice training contract with Tan Jeh Yaw Law Chambers from 4 January 2019 to 12 July 2019, while having in force a practicing certificate of a period of less than 5 out of the 7 years immediately preceding the date of the commencement of your supervision of [Mr L], which warrants disciplinary action within the meaning of Section 83(2)(j) of the Legal Profession Act (Cap. 161, 2009 Rev Ed).

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25 ASOF at para 43.

26 Statement of Case and Charges dated 21 February 2024 at para 44.

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27 In the agreed statement of facts tendered to the DT, the respondent confirmed that:[27]

(a) he had not renewed his practising certificate for the period of 1 April 2023 to 31 March 2024; and

(b) he had not and would not renew his practising certificate for the period of 1 April 2024 to 30 September 2024.

28 On 29 May 2024, at the hearing before the DT, the respondent pleaded guilty to the Charges.[28]

The DT's decision

29 The DT determined, pursuant to s 93(1)(*c*) of the LPA, that cause of sufficient gravity for disciplinary action existed under s 83 of the LPA in respect of both the Charges: *The Law Society of Singapore v Tan Jeh Yaw* [2024] SGDT 15 ("*Tan Jeh Yaw (DT)*") at [95].

The parties' submissions

30 The Law Society submitted that the due cause under s 83(1) of the LPA had been shown, and that the respondent should be suspended from practice for a period of 18 months.[29] This was the punishment imposed in *Clarence Lun (C3J)* on an advocate and solicitor, Mr Clarence Lun Yaodong ("Mr Lun"), for similar breaches.

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27 ASOF at para 44.

28 ASOF at para 44A.

29 Applicant's Written Submissions in C3J/OA 13/2024 dated 2 September 2025 ("AWS") at para 21.

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31 The Law Society argued that while the respondent's default (and concomitantly the degree of culpability on the part of the respondent) was similar to that of Mr Lun, the harm caused was far greater as the Trainees had completed their full 6-month practice training periods with the Firm, unlike the two trainees in *Clarence Lun (C3J)*, who had completed only 45 and 5 days of training respectively.[30] The respondent also had two antecedents, unlike Mr Lun who had none.[31] As such, despite the fact that the respondent had demonstrated greater remorse compared to Mr Lun, the higher degree of harm warranted a similar sanction as that imposed on Mr Lun.[32]

32 The respondent made two brief submissions. First, he pointed out that his voluntary suspension was still in effect as at the date of the hearing, *ie*, the suspension had extended to a period of 31 and a half months, and that this was evidence that he was sincerely remorseful. He urged this Court to give due weight to the period of voluntary suspension in deciding on the appropriate sanction. Second, he argued that his two antecedents were dissimilar to the Charges and should be given little or no weight.[33]

Issues to be determined

33 In light of the foregoing, the issues for this court's determination were:

(a) whether due cause had been shown in respect of the 1st and 2nd Charges; and

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30 AWS at paras 25–28.

31 AWS at para 32.

32 AWS at paras 31, 34–36.

33 Respondent's Written Submissions in C3J/OA 13/2024 dated 31 October 2025 ("RWS") at paras 4–5.

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(b) if (a) was answered in the affirmative, what was the appropriate sanction under s 83(1) of the LPA?

Whether due cause was shown

34 The respondent did not contest that due cause had been shown in respect of the Charges. Nevertheless, for completeness, we elaborate on this issue.

35 To show due cause under s 83(2)(*j*) of the LPA, the applicant must show proof of a contravention of the LPA that warrants disciplinary action (*Clarence Lun (C3J)* at [42]).

36 As explained in *Clarence Lun (C3J)*, a breach of r 18(1)(*b*) of the Admission Rules constitutes, for the purposes of that provision, a contravention of the LPA (*Clarence Lun (C3J)* at [43]).

37 Next, we agreed with the DT that as with *Clarence Lun (C3J)*, the respondent's breaches of r 18(1)(*b*) warranted disciplinary action (*Tan Jeh Yaw (DT)* at [78]–[79]). The two principal purposes of disciplinary proceedings – namely, to protect the public and uphold confidence in the integrity of the legal profession (*Clarence Lun (C3J)* at [44]) – were squarely engaged in the present case. Rule 18 of the Admission Rules was implemented to safeguard the quality of the supervision provided to trainees and therefore the standard of legal services dispensed to the public (*Clarence Lun (C3J)* at [50]). By breaching r 18(1)(*b*) of the Admission Rules, the respondent had not only denied the public the benefit of these rules but also suggested to the public that critical rules were not viewed and applied with adequate rigour and commitment (*Clarence Lun (C3J)* at [50] and [54]).

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38 We note that the respondent had argued before the DT that dishonesty was a necessary precondition for finding cause of sufficient gravity, which the DT rejected. While he did not make the same argument before us, for completeness, we agree with the DT. As the DT correctly observed, *Clarence Lun (C3J)* was not a case that involved dishonesty (*Tan Jeh Yaw (DT)* at [91]).

39 Accordingly, we were satisfied that due cause had been shown under s 83(2)(*j*) of the LPA in respect of the 1st and 2nd Charges.

The appropriate sanction under section 83(1) of the LPA

40 We turn to the appropriate sanction to be imposed.

Whether striking off, a suspension or a monetary penalty was more appropriate

41 The Law Society and the respondent both submitted that the appropriate sanction was a term of suspension. We agreed.

42 This was not a case in which striking off was warranted. In *Clarence Lun (C3J)*, the C3J found that Mr Lun's misconduct did not attest to a character defect or a fundamental lack of respect for the law, nor did it cause dishonour to the legal profession to a degree that warranted striking off (at [91]–[92]). The C3J also considered that it was Mr Lun's first disciplinary proceeding, and that he was being sentenced for a single offence (at [91]). In our judgment, the respondent's misconduct was similar to that of Mr Lun's and striking off was similarly unwarranted. Even though the respondent had two prior antecedents, we did not think that his misconduct evidenced a character defect or suggested a fundamental lack of respect for the law, especially in light of the remorse that he had demonstrated (see [56] below).

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43 On the other hand, we were of the view that a fine would not be sufficient. The imposition of a fine would ordinarily suffice where the solicitor has by and large adhered to the relevant rules, save for a one-off trivial or technical breach: *Clarence Lun (C3J)* at [94], *citing Law Society of Singapore v Yap Bock Heng Christopher* [2014] 4 SLR 877 at [32]. The respondent's breaches were neither. In the seven years before commencing his supervision of the Trainees, the respondent had held a practising certificate for just over three years – this fell *far short* of the minimum of five years prescribed by r 18(1)(*b*) of the Admission Rules (see [18] above). The circumstances of the respondent's breach also evidenced a cavalier attitude towards ensuring compliance with the Admission Rules (see [55] below). This attitude led to disciplinary proceedings and now sanction before this Court.

44 In the circumstances, a fine did not suffice to capture the gravity of the respondent's misconduct in respect of the 1st and 2nd Charges. A suspension was the appropriate sanction to be imposed.

What was the appropriate term of suspension

45 In the premises, the question that remained was the appropriate period of suspension. We agreed with the Law Society that the relevant factors were those considered by the C3J in *Clarence Lun (C3J)* at [98]–[101], namely:

(a) the gravity of the default and concomitantly the degree of culpability on the part of the practitioner;

(b) the harm caused by the practitioner's misconduct;

(c) the practitioner's remorse for his misconduct; and

(d) the practitioner's antecedents and likelihood of reoffending.

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The harm caused by the respondent's misconduct

46 The harm caused by the respondent's misconduct was the main factor relied on by the Law Society in arguing for an 18-month suspension. In this regard, the Law Society argued that greater harm had been caused to both the public and the Trainees as compared to *Clarence Lun (C3J)* because the Trainees had completed their practice training period of 6 months under the respondent's supervision. The Law Society highlighted that Mr K had to restart his practice training period afresh (albeit for reasons unrelated to the respondent's breach) and that Mr L had to take steps to regularise his admission as an advocate and solicitor, emphasising the significant anxiety and uncertainty that Mr L would have suffered as a result.[34]

47 We accepted that the respondent's breaches resulted in harm to the Trainees, any clients of the Firm they may have serviced during their practice training, and public confidence in the legal profession more generally. We also noted that unlike the trainees in *Clarence Lun (C3J)*, the Trainees in this case both served the entire practice training period with the Firm. This extended timeframe suggested at first blush that a greater degree of harm was caused by reason of the respondent's breach.

48 However, we were of the view that, in the circumstances of this case, less significance should be accorded to this factor. We noted the C3J's observation in *Clarence Lun (C3J)* (at [99]) that "it was fortuitous that [the trainee] did not serve as a trainee for a longer period". In other words, the lower level of harm in *Clarence Lun (C3J)* was the direct consequence of the fortuitous (and timely) discovery of Mr Lun's breach. In this case, the

[34] AWS at paras 28–29.

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respondent was unaware that he had breached r 18(1)(*b*) of the Admission Rules until well after the Trainees had completed their training. As such, while the harm caused was greater than in *Clarence Lun (C3J)*, we were of the view that this was merely a consequence of when the breach was discovered, rather than any wilful act on the respondent's part.

49 Further, the harm to Mr L had been attenuated by the Minister for Law granting him an exemption pursuant to s 14(5) of the LPA. We also noted that Mr K's admission was delayed for reasons unrelated to the respondent's breach (see [11]–[14] above).

The respondent's culpability

50 Next, we considered the culpability of the respondent. The Law Society argued that the respondent's culpability was similar to that in *Clarence Lun (C3J)*. The misconduct in both cases involved breaches of r 18(1)(*b*) of the Admission Rules in relation to two trainees, and the respondent had held a practising certificate in the seven years preceding the commencement of the Trainees' practice training periods for only around three months longer than Mr Lun. There was also no evidence that the respondent had taken any steps to familiarise himself with the requirements of the relevant rules, though he had every opportunity to do so and had signed off on letters confirming that he met such requirements on three separate occasions between January 2019 to May 2019 (see [7] above).[35]

51 We noted that in *Clarence Lun (C3J),* Mr Lun admitted to not having checked the Admission Rules to determine if he was qualified to act as a

[35] AWS at paras 25–27.

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supervising solicitor (at [55]). However, there was no explanation on record from the respondent as to why he had failed to comply with r 18 of the Admission Rules. In our view, given the respondent's plea of guilt and submission for leniency, it was incumbent on him to offer an explanation, and we therefore invited him to do so at the hearing. It was not the respondent's case that he had never read the Admission Rules; instead, his explanation was that he had only done a "back of the envelope" calculation of how long he had held a practising certificate before taking on the Trainees. He also suggested that he had mistakenly taken into account his 16-month experience as a Deputy Public Prosecutor.

52 We were unable to accept this explanation. First, the respondent did not give any details of how he went about making his calculations. We also noted that his purported miscalculation was significant – the respondent had only held a practising certificate for just over three years, which fell far short of the minimum five years prescribed by r 18(1)(*b*) of the Admission Rules. As the DT correctly observed, "[g]iven the size of the discrepancy, even a rough and ready calculation ought to have alerted the Respondent to the fact that he was not qualified…under Rule 18(1)(*b*) of the Admission Rules" (*Tan Jeh Yaw (DT)* at [89]).

53 Second, the respondent's explanation that he had mistakenly considered his 16-month experience as a Deputy Public Prosecutor did not assist him. Even if one were to take that stint into account, the respondent would still have failed to meet the minimum five-year requirement. More importantly, the respondent had worked as a Deputy Public Prosecutor from around February 2009 to June 2010, a period which fell well outside the seven-year lookback period stipulated under r 18(1)(*b*) of the Admission Rules.

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54 Third, the respondent had signed off on letters to SILE confirming that he met all the requirements set out in r 18(1) of the Admission Rules on no less than three separate occasions (see [8] above). These letters would have alerted the respondent to the requirements set out in r 18(1) of the Admission Rules and therefore the conditions he had to satisfy before engaging the Trainees.

55 The clear inference was that the respondent did not check the Admission Rules or, despite having done so, failed to properly direct his mind to whether he satisfied the conditions stipulated therein for acting as a supervising solicitor. Nevertheless, we were of the view that the respondent's culpability was not greater than that of Mr Lun. In *Clarence Lun (C3J)*, a significant aggravating factor that the court took into account was the fact that Mr Lun continued to give work to one of his trainees *after* having discovered that no one in his firm was qualified to act as his supervising solicitor. This indicated a *blatant and wilful disregard* for his obligations under the LPA as well as the interests of his clients and trainee (at [56], [93] and [98]). In our view, the respondent's misconduct did not rise to such a level.

The respondent's remorse

56 In our view, the most significant factor determining the appropriate sanction in this case was the remorse demonstrated by the respondent. Not only did he accept his breach and state his intention to plead guilty at the earliest possible opportunity, he also imposed on himself a period of voluntary suspension of practice of more than 31 months. In our minds, this lengthy period of voluntary suspension, which far exceeded the period of suspension imposed in *Clarence Lun (C3J)* and what the Law Society was seeking, demonstrated his acceptance of his misconduct and genuine remorse. His voluntary suspension had a substantive impact on his ability to earn a living as a lawyer. The

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respondent therefore did not merely acknowledge his wrongdoing in words but took concrete action that demonstrated his understanding of the gravity of his breach. While this did not minimise or excuse his offence, this self-reflection and voluntary assumption of responsibility deserved recognition and should be given weight in determining the appropriate sanction.

57 The respondent's conduct stood in contrast to that of Mr Lun who – aside from having continued to assign work to one of his trainees *after* discovering that he was not eligible to act as his supervising solicitor – also contested the charges and made unmeritorious arguments. Before the C3J, Mr Lun disputed any breach of the relevant rule forming the subject of two charges against him before submitting that, even if there were such breaches, due cause had not been shown (*Clarence Lun (C3J)* at [37]–[39]). In making these submissions, Mr Lun sought to downplay the degree of his negligence and/or the gravity of its impact by claiming that other stakeholders would have helped to detect trainees who had not received adequate supervision, in which case his misconduct did not pose a real risk to the public (*Clarence Lun (C3J)* at [68]–[69]). Importantly, Mr Lun also attempted to shift blame for his misconduct to another partner in his firm (*Clarence Lun (C3J)* at [71]). These arguments were rejected by the C3J (*Clarence Lun (C3J)* at [68]–[74]). As the C3J noted, Mr Lun's attempts before the DT and C3J to shift the blame for his misconduct to his partner "signalled a lack of remorse" (*Clarence Lun (C3J)* at [71]).

The respondent's antecedents

58 Finally, in arriving at the appropriate sanction, we considered the respondent's two antecedents:[36]

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[36] AWS at paras 32–33.

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(a) In 2021, the respondent was issued a warning by the Council of the Law Society of Singapore (the "Council") pursuant to s 88(1) of the LPA for non-compliance with rr 17(3)(*a*) and 17(3)(*b*) of the Legal Profession (Professional Conduct) Rules 2015, for the alleged non-provision of advice on the basis for fees to be charged / basis of bills allegedly being different from that agreed.

(b) In 2022, the respondent was issued a reprimand by the Council pursuant to s 88(1) of the LPA for breaches of its Practice Directions, *ie*:

(i) making an express threat to revoke a fellow solicitor's licence as a practising lawyer, which was a breach of Practice Direction 9.1.2; and

(ii) making a demand not recoverable by due process of law, which was a breach of Practice Direction 1.8.1.

59 The Law Society argued that unlike Mr Lun, who had no antecedents, the respondent's antecedents showed that the respondent's misconduct was not an isolated lapse of professional judgment and instead constituted an aggravating factor which should weigh against him. In response, the respondent argued that his two antecedents were dissimilar to the two charges in the present case.

60 We agreed with the Law Society that the respondent's antecedents were relevant in determining the appropriate sentence. That this was not the respondent's first disciplinary infraction would ordinarily warrant an uplift in the appropriate penalty to signal our reprobation of a pattern of disregarding his professional obligations. However, the respondent's antecedents were unconnected and dissimilar to the breaches at hand. Those antecedents were also

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relatively minor in nature as evidenced by the fact that they only attracted a stern warning and a reprimand. For these reasons, we did not consider them weighty enough to attract a period of suspension equivalent to that ordered in *Clarence Lun (C3J)* in view of the other salient factors, especially the respondent's genuine demonstration of remorse.

Conclusion

61 In summary, we were of the view that the facts and circumstances of the present case were materially distinguishable from *Clarence Lun (C3J)*. The respondent's actions demonstrated his genuine remorse from the outset. Additionally, the culpability of the respondent was lower as he did not demonstrate the same blatant disregard for the interests of his clients and of his trainees that was demonstrated by Mr Lun.

62 In the circumstances, we did not consider it fair or appropriate that the respondent should suffer the same period of suspension as Mr Lun. Nonetheless, we could not give the respondent the full credit for the entire period of the voluntary suspension as it is not for an offender to determine his own punishment: *Law Society of Singapore v Chia Choon Yang* [2018] 5 SLR 1068 at [53].

63 For these reasons, we imposed a suspension of 12 months under s 83(1)(*b*) of the LPA and ordered that the suspension commence on the day of the hearing before us, *ie*, 11 November 2025. We also ordered that costs in the

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sum of $5,000 (inclusive of disbursements) be paid by the respondent to the applicant.

Steven Chong
Justice of the Court of Appeal

Belinda Ang Saw Ean
Justice of the Court of Appeal

Hri Kumar Nair
Justice of the Court of Appeal

Navin Joseph Lobo, Suchitra Suresh Kumar and Kirsten Siow
(Premier Law LLC) for the applicant;
The respondent in person.

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