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

[2026] SGHC 9

Originating Application No 2 of 2025

Between

Law Society of Singapore

… *Applicant*

And

(1) K V Sudeep Kumar
(2) Dhanwant Singh

… *Respondents*

GROUNDS OF DECISION

[Legal Profession — Disciplinary proceedings]
[Legal Profession — Professional conduct — Breach]

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Law Society of Singapore
v
K V Sudeep Kumar and another

[2026] SGHC 9

Court of 3 Supreme Court Judges — Originating Application No 2 of 2025
Tay Yong Kwang JCA, Steven Chong JCA and Ang Cheng Hock JCA
12 November 2025

13 January 2026

Ang Cheng Hock JCA (delivering the grounds of decision of the court):

1 To maintain public trust and confidence in the legal profession, the law imposes exacting standards on its members. Those who have fallen short of those standards are disciplined by the Law Society Council and, for more egregious lapses, by this court. From time to time, those found unfit to practise law are marked with the strongest disapprobation by this court and struck off the roll of advocates and solicitors. Such disbarred persons represent a danger to clients and a threat to the integrity of the legal profession should they be allowed to carry on the practice of law. It is therefore completely inimical to these concerns when a disbarred lawyer is allowed to practise despite having been struck off the roll. That was precisely what the respondents knowingly permitted to happen in this case.

2 The respondents, Mr K V Sudeep Kumar (the "first respondent") and Mr Dhanwant Singh (the "second respondent"), each faced a charge under

s 83(2)(*h*) of the Legal Profession Act 1966 (2020 Rev Ed) ("LPA") for allowing one Udeh Kumar s/o Sethuraju ("Mr Kumar"), an unauthorised person under s 32(2) of the LPA, to represent himself as an advocate and solicitor and to have *de facto* control over the conduct of a case for which the respondents were the solicitors on record.

3 The respondents pleaded guilty to the charges before the Disciplinary Tribunal ("DT"). At the conclusion of the DT proceedings, the DT found that there was cause of sufficient gravity for the matter to be referred to this court. The Law Society of Singapore ("Law Society") filed the present application under s 94(1) read with s 98(1) of the LPA for an order that the respondents be sanctioned under s 83(1) of the LPA.

4 Before us, the respondents agreed that the respective charges were proven beyond a reasonable doubt, and that there was sufficient cause for the imposition of sanctions under s 83(1) of the LPA.

5 After hearing the parties, we ordered that the first respondent be suspended from practice for a period of five years, with the period of suspension to commence from the date of his discharge from bankruptcy, and that the second respondent be struck off the roll of advocates and solicitors. These are the detailed grounds of our decision.

Facts

6 From 2018 to 2020, the respondents practised at S K Kumar Law Practice LLP ("the Firm"). At the material time, they were the only two lawyers with practising certificates at the Firm.

(a) The first respondent was admitted to the Singapore Bar on 29 July 1995. He joined the Firm as a partner in August 2017 and left in January 2021. He was adjudicated a bankrupt on 11 August 2022.

(b) The second respondent was admitted to the Singapore Bar on 11 June 1986. He became a partner of the Firm on 11 April 2017. It was not clear when he became the managing partner of the Firm, although it was apparent that he had assumed that role by August 2017. Subsequently, he was adjudicated a bankrupt on 24 February 2022.

DC 2662

7 DC/DC 2662/2016 ("DC 2662") was an action brought by one Mr Goh Chye Hock ("Mr Goh") for the repayment of a loan allegedly extended to one Mr Wong Yiat Hong ("the complainant").

8 In or around December 2017, the complainant was introduced to Mr Kumar, who was also known as "S K Kumar". He eventually met Mr Kumar in person at the Firm's premises on 13 March 2018, where they discussed the merits of DC 2662. During this meeting, the Firm was appointed to take over the conduct of DC 2662 from the complainant's previous solicitors.

9 Unbeknownst to the complainant, Mr Kumar had been struck off the roll of advocates and solicitors on 23 March 2017 (see *Law Society of Singapore v Udeh Kumar s/o Sethuraju* [2017] 4 SLR 1369 ("*Udeh Kumar*")), for being "utterly disrespectful to the courts over a prolonged period of time" and "fraudulent or dishonest in his dealings with the court on several occasions" (*Udeh Kumar* at [111]). At the time of his striking off, Mr Kumar had been in practice for about 29 years and was the founder and managing partner of the Firm, which was named after him.

10 Mr Kumar was thus an unauthorised person under s 32(2) of the LPA at the time when the complainant engaged the Firm to act for him in DC 2662.

11 Upon the Firm being appointed to act for the complainant, Mr Kumar prepared the Notice of Appointment of Solicitor for DC 2662, wherein the respondents were identified as the solicitors in charge of the matter. The Notice of Appointment was filed in court by the Firm on 15 March 2018. The respondents were the solicitors on record for the complainant in DC 2662 for around two years, from March 2018 to around February 2020.

12 On or around 13 March 2018, Mr Kumar personally collected a sum of $2,300 in cash from the complainant in respect of outstanding costs in DC 2662 that had been ordered against the complainant in the course of those proceedings ("Costs Order"). The complainant later became aware that the sum in the Costs Order only totalled $2,000.

13 Despite Mr Kumar having already collected $2,300, the Firm wrote to Mr Goh's solicitors on 14 March 2018 to request that it be allowed to pay the outstanding costs orders in instalments. Although the request was rejected on 16 March 2018, the Costs Order remained unsatisfied by the Firm. The respondents appeared to have been unaware that the sum of $2,300 was collected by Mr Kumar – the payment was only discovered by the first respondent in or around September 2020. The Costs Order was only satisfied when an order was made on 6 October 2020 for the Firm to personally make payment of the outstanding costs.

14 On 20 March 2018, Mr Goh's solicitors informed the Firm that they would enter judgment against the complainant for non-compliance with an "unless order" dated 13 February 2018. Under that "unless order", the

complainant was required to file a list of documents and an affidavit verifying the same as well as the affidavits of evidence-in-chief of the complainant and his witnesses. On 26 March 2018, the said default judgment was entered against the complainant. On 30 August 2018, the complainant was granted an extension of time to file his list of documents and an affidavit verifying such list. Having complied with the extended deadline, the default judgment was set aside.

15 DC 2662 was fixed for trial in August 2019. The trial was conducted by the first respondent. Prior to the trial, in or around June 2019, the complainant had a meeting with the first respondent and Mr Kumar. During this meeting, the conduct of the trial was discussed. On 18 February 2020, final judgment was entered against the complainant.

Mr Kumar's involvement in the conduct of DC 2662

16 Throughout the Firm's conduct of DC 2662, Mr Kumar had *de facto* control over the conduct of DC 2662. In addition to the matters stated above, the following facts, as stated in the Law Society's Statement of Case and accepted by the respondents in the DT proceedings, were of relevance to the charges:

(a) The complainant attended at the premises of the Firm on multiple occasions. Most of the time, Mr Kumar was the person who attended to the complainant in respect of DC 2662.

(b) While at the Firm's premises, the complainant observed Mr Kumar giving instructions and orders to the staff in the Firm, including instructions to call adverse parties' solicitors and court staff.

(c) When the complainant gave the Firm instructions, he did so *via* e-mails sent to the Firm's e-mail address. These e-mails were at times

addressed to Mr Kumar only and, at other times, to Mr Kumar and the first and/or second respondents.

(d) Mr Kumar drafted various cause papers and legal documents relating to DC 2662, whether by himself or with either or both the respondents.

(e) Mr Kumar was the one who had informed, instructed, briefed and/or directed the respondents (who were less familiar with the matter) in respect of DC 2662, including informing the respondents of the court appearances that they were required to attend.

(f) At no point did the respondents inform the complainant that Mr Kumar was not a practising lawyer or a partner at the Firm.

The Complaint

17 After judgment was entered against the complainant in DC 2662, his relationship with Mr Kumar and the respondents deteriorated. In February 2020, the complainant appointed new solicitors to take over conduct of the matter. An application by the complainant to seek leave to appeal the judgment to the High Court was unsuccessful. Then, in November 2020, the complainant commenced legal proceedings in the High Court against Mr Kumar, the respondents and the Firm, alleging fraud and negligence and seeking damages, amongst other reliefs. That suit was eventually stayed because the complainant himself was made a bankrupt in April 2022.

18 On 28 November 2022, the complainant made a complaint to the Law Society ("Complaint"). On 16 February 2024, the Law Society furnished its Statement of Case and applied to the Chief Justice for the appointment of a disciplinary tribunal to hear and investigate the Complaint. In its Statement of

Case, the Law Society brought one main charge under s 83(2)(*b*) of the LPA, and an alternative charge under s 83(2)(*h*) of the LPA, against each respondent.

Proceedings before the DT

Procedural history

19 The DT was constituted on 26 March 2024. The first and second respondents filed their Defences on 14 April and 2 May 2024 respectively. The hearing before the DT was fixed on 29 July 2024 and later rescheduled to 9 October 2024.

20 On 9 October 2024, during the hearing before the DT, the respondents agreed to accept the facts as stated in the Complaint and the accompanying documents exhibited in the affidavit of evidence-in-chief of Mr Gokulamurali Haridas, the Director of the Regulatory Department of the Law Society. At the request of parties, the DT adjourned the hearing for the respondents to confer with the Law Society on a possible amendment of the charges.

21 On 6 November 2024, the Law Society filed its Statement of Case (Amendment No 1) in which it amended its case to proceed with only the alternative charge under s 83(2)(*h*) of the LPA against each of the respondents.

22 On 19 November 2024, a day before the respondents were due to file their amended Defences, the respondents informed the DT that they would be pleading guilty to the charges and would not be filing amended Defences. The second respondent added that he would be withdrawing the Defence he filed.

The DT's decision

23 On 22 April 2025, the DT issued its report, finding that there was cause of sufficient gravity for disciplinary action under s 83(2)(*h*) of the LPA to refer the case to the Court of 3 Supreme Court Judges ("C3J"). The DT took into account the following factors.

24 First, the respondents had knowingly allowed Mr Kumar, an unauthorised person, to act as or represent himself as an advocate and solicitor.

(a) The respondents allowed Mr Kumar to have *de facto* conduct of DC 2662. Mr Kumar had met the complainant at the Firm's premises, advised on DC 2662, and had corresponded with the complainant on the conduct of DC 2662 by e-mail. The first respondent only attended some of the meetings with Mr Kumar and, on those occasions, Mr Kumar continued to advise the complainant on DC 2662.

(b) The DT rejected the first respondent's assertion that he had instructed two paralegals to draft "most if not all of the court documents". The charges stated that the respondents had allowed and/or permitted Mr Kumar to prepare and/or draft cause papers and/or other legal documents in relation to DC 2662, and it was not open to the first respondent to "deny at the same time what he [was] pleading guilty to". The DT also considered that it was more likely than not that Mr Kumar had prepared or drafted at least some of the cause papers in relation to DC 2662 as he was held out to be in charge of the case and was also the person corresponding with the complainant.

(c) The respondents put Mr Kumar in a position where he could collect funds from the complainant purportedly on behalf of the Firm.

(d) From the evidence, it seemed that both respondents allowed Mr Kumar, the founder and former managing partner of the Firm, to operate as if he were still a senior partner of the Firm, or at least still a partner.

25 Secondly, the respondents failed to correct the complainant's mistaken impression of Mr Kumar's qualifications.

(a) The DT found that it was unclear whether the respondents were aware of the e-mails sent by the complainant (see [16(c)] above), as the e-mails were sent *to Mr Kumar's e-mail address*. At this juncture, we should point out that we disagreed with this finding made by the DT for the reasons explained below (at [40]). Notwithstanding this finding, however, the DT held that it could be surmised that "the respondents knew that [Mr Kumar] was attending to the [complainant] regarding DC 2662 and abdicated their responsibility towards a client to the extent that they permitted an unauthorised person to be the sole representative of the Firm corresponding with the client on an ongoing litigation".

(b) The first respondent did not stop Mr Kumar from advising on DC 2662 during the meetings he attended. As recorded in the complainant's contemporaneous notes of a meeting held on 11 May 2018, the complainant asked who was handling his case, how the Firm operated, and who was in charge. The first respondent was documented as replying: "Mr SK Kumar (Big Boss). [Mr Kumar] directed/managed Firm". The DT considered that this was a "credible and close enough record of the message conveyed". It should also be noted that, in the proceedings before this court, the first respondent did not dispute that he did refer to Mr Kumar as the "Big Boss".

26 Thirdly, Mr Kumar's conduct was itself a clear violation of s 33 of the LPA, which prohibits an unauthorised person from acting as an advocate and solicitor, and prejudice was caused to the complainant. Mr Kumar consistently failed to comply with timelines and directions from the court in DC 2662, to the extent that the complainant was subject to an "unless order" and default judgment was entered against him. Mr Kumar had also unjustifiably retained moneys meant to discharge the complainant's obligations under the outstanding Costs Order.

27 Finally, the DT considered the respondents' seniority in the profession to be an aggravating factor. The respondents were both partners of the Firm and, at the material time, the only two lawyers in the Firm holding practising certificates (see [6] above). The first and second respondents were senior lawyers of 23 and 32 years' standing respectively as at 2018.

28 While the DT accepted that there may be mitigating factors, such as (a) the respondents' plea of guilt; (b) their lack of personal gain from the misconduct of Mr Kumar; and (c) the lack of other complaints made against the first respondent in his years of practice, it considered that there was nonetheless cause of sufficient gravity for disciplinary action under s 83 of the LPA.

Issue before the court

29 The respondents accepted that the charges against them were proven beyond a reasonable doubt and that there was cause of sufficient gravity for this court to impose sanctions under s 83(1) of the LPA. Thus, the only issue before this court pertained to the appropriate sanctions to be imposed.

Parties' submissions

30 The Law Society submitted that a substantial period of suspension was warranted for both respondents – four years for the first respondent, and four-and-a-half years for the second respondent. This was in light of (a) the gravity and blatant nature of the respondents' misconduct; (b) the harm and prejudice caused to the complainant; (c) the seniority of the respondents; and (d) in respect of the second respondent, the existence of similar antecedents. The Law Society argued that the gravity of the respondents' misconduct far exceeded that of the respondents in *Law Society of Singapore v Seah Li Ming Edwin* [2007] 3 SLR(R) 401 ("*Edwin Seah*") and *Law Society of Singapore v Tan See Leh Jonathan* [2020] 5 SLR 418 ("*Jonathan Tan*"), and was instead comparable to that of the respondent in *Law Society of Singapore v Yeo Siew Chye Troy* [2019] 5 SLR 358 ("*Troy Yeo*"). Further, the Law Society submitted that there were only a limited number of mitigating factors which materially assisted the respondents.

31 As both respondents were undischarged bankrupts at the time of the hearing, the Law Society submitted that the period of suspension imposed on the first respondent should commence upon the discharge of his bankruptcy. As the second respondent was already subject to a suspension period of five years imposed in *Law Society of Singapore v Dhanwant Singh* [2025] 4 SLR 1443 ("*Dhanwant Singh (2025)*"), the Law Society was of the position that the second respondent should be struck off the roll.

32 In his written submissions, the first respondent contended that a period of suspension of between 18 months and two-and-a-half years should be imposed. The second respondent argued that striking off was "not mandated nor warranted", and that any suspension period imposed in these proceedings ought

to run concurrently with the suspension period imposed on him in *Dhanwant Singh (2025)*. He did not, however, specify what the length of his suspension period ought to be.

Our decision

33 We begin by assessing the overall gravity of the respondents' misconduct, before turning to address the specific aggravating and mitigating factors applicable to each respondent.

The gravity of the respondents' misconduct

34 In *Troy Yeo*, the errant solicitor ("Mr Yeo") engaged an unauthorised person as an employee to run a conveyancing department in his firm. This unauthorised person was allowed to interact directly with the firm's clients and later used the opportunity to misappropriate conveyancing moneys amounting to a total sum of $848,335.09 collected from clients over the course of almost eight months (at [2]–[3]). Mr Yeo also allowed for substantial amounts of conveyancing moneys to be paid into the firm's office account, in breach of the Legal Profession (Solicitors' Accounts) Rules (Cap 161, R 8, 1999 Rev Ed) and the Conveyancing and Law of Property (Conveyancing) Rules 2011 (S 391/2011) (at [4]–[5]). Mr Yeo accepted that he was guilty of grossly improper conduct in the discharge of his professional duty under s 83(2)(*b*) of the LPA (at [5]). This court imposed a period of suspension of four years, having considered that a substantial period of suspension was warranted in view of Mr Yeo's "gross breach of duty" and the "very serious case of harm occasioned by [Mr Yeo's] misconduct" (at [14]–[17]).

35 We considered that the gravity of the respondents' misconduct in this case was *greater* than that of the misconduct in *Troy Yeo*, notwithstanding that

Mr Yeo faced additional charges and that the financial harm caused to his clients was on a greater scale.

36 First, the respondents' misconduct was more accurately characterised as the act of allowing an *unfit* person to carry on the practice of law, not just the failure to supervise an *unauthorised* person in the discharge of his duties at the Firm. The respondents had allowed Mr Kumar to practise even though he had been struck off the roll for the very reason that he was found unfit to act as an advocate and solicitor. We observed that this court, in deciding to strike Mr Kumar off the roll, remarked that the charges against him "revealed a gross failure by [him] to apprehend even the most fundamental duties of an advocate and solicitor to the court" (*Udeh Kumar* at [111]).

37 As we explained in *Edwin Seah* (at [25]), broader public interest considerations are at play where charges involving the proscription of the practice of law by unauthorised persons are concerned:

> ... there is a larger public interest in ensuring that clients receive legal advice *only from those duly qualified and authorised to carry on legal work*. And here, too, public confidence in the legal profession as well as the legal process will be undermined if such misconduct is permitted. ...
>
> [emphasis added]

38 These public interest considerations assume greater force when an unauthorised person who has been determined to be *unfit to practise* is allowed to do precisely that. A disbarred or suspended lawyer who practises law is a danger to clients and it cannot be gainsaid that public confidence in the legal profession would be gravely impacted should it be known that those who were previously struck off the roll were allowed to give legal advice and handle clients' cases (and moneys) with impunity. Seen in this light, the respondents' conduct of knowingly allowing Mr Kumar to practise when they knew that he

had been struck off the roll was far more serious than the conduct of failing to properly supervise an employee in *Troy Yeo*.

39 Secondly, we agreed with the Law Society that, unlike Mr Yeo, who "appeared blissfully unaware of what [the unauthorised person] was up to" (*Troy Yeo* at [14]–[15]), the respondents were acutely aware of Mr Kumar's status as a disbarred lawyer but nevertheless permitted him to have *de facto* conduct of DC 2662.

40 In this regard, we disagreed with the DT's finding that it was unclear whether the respondents knew about the e-mail correspondence between the complainant and Mr Kumar (see [16(c)] and [25(a)] above). In our view, the DT erred in finding that the e-mails were sent to *Mr Kumar's e-mail address*. As pointed out by the Law Society, the emails were in fact sent to the *Firm's e-mail address* ("skumar24@singnet.com.sg"). The confusion might have arisen because, as the first respondent stated in his Defence filed before the DT, the Firm's e-mail address was "eponymous with [Mr Kumar's] name". In any event, that e-mail address was listed on the Firm's letterhead as the e-mail address for the "head office". Given that the e-mails were sent to the Firm's e-mail address and, on several occasions, addressed to Mr Kumar *and the respondents*, it was only reasonable to conclude that the respondents would have received and read the e-mails. No evidence or submission to the contrary were proffered by the respondents, both before the DT and this court.

41 The respondents had effectively represented to the complainant, through their acts and omissions, that Mr Kumar was a practising lawyer who could act on behalf of the complainant in respect of DC 2662. It was likely for this reason that Mr Kumar was able to have control over the conduct of DC 2662 for a period of almost *two years*. The respondents' conduct, in this respect, could not

be simply described as negligence. There was an undeniable element of dishonesty, in so far as they had deceived the complainant regarding Mr Kumar's status as an unauthorised person. During the hearing before us, counsel for the first respondent, Mr Mahadevan Lukshumayeh ("Mr Lukshumayeh"), quite rightly accepted that, where a lawyer informs a client that a person is able to represent his interest in legal proceedings despite knowing that said person is not fit to be a lawyer, this would involve an element of dishonesty.

42 Thirdly, as we alluded to in *Dhanwant Singh (2025)* at [42]–[44], the absence of supervision over the unauthorised person can amount to an aggravating factor. While Mr Yeo had established a system in respect of conveyancing files and conveyancing moneys (albeit a weak one) (see *Troy Yeo* at [9]), the respondents in the present case were unable to point to any significant effort on their part to supervise Mr Kumar's conduct of DC 2662 or to stop him from having conduct of the case.

(a) The respondents were unaware of the moneys collected by Mr Kumar in March 2018 in respect of the outstanding Costs Order, or that the Costs Order remained unsatisfied for more than two years. The first respondent discovered the existence of the moneys only in September 2020. Despite this discovery, the Costs Order remained unfulfilled as at 6 October 2020 (see [12]–[13] above).

(b) While the first respondent had conduct of the trial in DC 2662, in that he appeared in court as counsel for the complainant, this was obviously because Mr Kumar had been struck off the roll. In fact, this demonstrated that the first respondent was well aware of Mr Kumar's inability to properly represent the complainant. Despite this knowledge,

the first respondent was content to leave the day-to-day conduct of DC 2662 to Mr Kumar and neglected to inform the complainant of Mr Kumar's status as an unauthorised person. When this was pointed out at the hearing before us, Mr Lukshumayeh quite rightly accepted that the first respondent's conduct of the trial in DC 2662 did not assist his case in the present application.

(c) In his written submissions, the second respondent claimed that he did not have any dealings with the complainant and did not attend any meetings that were held with the complainant at the Firm. In other words, despite being the managing partner of the Firm and the more senior solicitor on record representing the complainant, the second respondent attempted to absolve himself of all responsibility. In our view, even if one accepted the second respondent's assertions as true, they would only serve to demonstrate a complete dereliction of his duties in relation to his client.

The sanction imposed on the first respondent

43 During the hearing, we put the above distinction (at [36]–[38]) to Mr Lukshumayeh, which he accepted as being correct as a matter of principle. Accordingly, he revised his position and submitted that a period of suspension of five years would be appropriate. After considering the gravity of the first respondent's misconduct and his lack of antecedents, we found it appropriate to impose a period of suspension of five years on the first respondent.

44 For completeness, we were of the view that the various mitigating factors identified by the first respondent did not assist his case.

45 First, although the first respondent pleaded guilty to the charge against him, minimal weight was accorded to his plea of guilt. In *Law Society of Singapore v Subbiah Pillai* [2004] 2 SLR(R) 447 ("*Subbiah Pillai*") at [21] (referring to *Law Society of Singapore v Tham Yu Xian Rick* [1993] 3 SLR(R) 68), this court observed that "considerations which usually weigh in mitigation of punishment have less effect on the exercise of the disciplinary jurisdiction than on sentences imposed in criminal cases, since show cause proceedings are primarily civil and not punitive in nature".

46 In *Subbiah Pillai*, the respondent's plea of guilt was undermined by his attempts to qualify his guilt at several points in the proceedings before the disciplinary committee by casting aspersions on the complainants' credibility and seeking to limit his involvement. Similarly, the first respondent sought to qualify his guilt at various junctures before the DT and this court:

(a) Before the DT, the first respondent denied allowing Mr Kumar to prepare court documents in respect of DC 2662. Instead, he alleged that he had instructed two paralegals to draft "most if not all of the court documents". This assertion was rejected by the DT.

(b) Before this court, the first respondent sought to limit his involvement in the misconduct by claiming in his written submissions that he "unfortunately found himself in a situation where he had no say or control of the circumstances".

(c) The first respondent also sought to cast aspersions on the complainant's character when he stated in his written submissions that "the [complainant] is already a hard man to please ordinarily and … met the [first respondent] with some mental baggage".

47 Secondly, we were of the view that no weight should be accorded to the first respondent's assertion that he had voluntarily ceased to practise before the Complaint was made (on 28 November 2022) and before he was adjudicated a bankrupt (on 11 August 2022). We rejected his argument that this was "indicative of [his] remorse and guilt". This assertion was contradicted by the first respondent's own written submissions, where he asserted that he had left the Firm in January 2021 before taking over Magna Law Corporation in February 2021. As it turned out, he only left Magna Law Corporation when bankruptcy proceedings were commenced against him on 21 May 2021. This put paid to the assertion that he ceased to practice because of his "remorse and guilt".

48 Thirdly, we considered the first respondent's assertion that he did not "deliberately flout the law for his gain in whatsoever manner" to be irrelevant as a matter of mitigation. In any case, the *absence* of any personal gain should be treated as a neutral factor at best.

49 Accordingly, we imposed a period of suspension of five years on the first respondent to commence upon his discharge from bankruptcy.

The sanction imposed on the second respondent

50 In relation to the second respondent, the Law Society referred to his string of antecedents as an aggravating factor. It also submitted that the period of suspension imposed on the second respondent should run consecutively with the suspension period of five years which was imposed on him in *Dhanwant Singh (2025)*, as that related to "an entirely different set of offences that occurred at a different time". The Law Society took the position that, since an aggregate suspension period exceeding five years cannot be imposed, the second respondent should be struck off the roll. The case of *Law Society of*

Singapore v Yap Bock Heng Christopher [2014] 4 SLR 877 ("*Christopher Yap*") was cited in support of this proposition.

51 The second respondent argued that striking off was "not mandated nor warranted". He highlighted, amongst other things, that the misconduct for which he was being charged was not fresh in the sense of being committed after the sanction of suspension in *Dhanwant Singh (2025)* was imposed on him. He also claimed that an "administrative drawback" had resulted in separate proceedings being brought against him, although it is unclear what he meant by this. In the round, all that the second respondent asked for in his written submissions was that the suspension period imposed in these proceedings run concurrently with the suspension period imposed by this court in *Dhanwant Singh (2025)*. He also submitted that the court may impose a (monetary) penalty pursuant to ss 83(1)(*c*) and (*e*) of the LPA for the purpose of "ensuring effectiveness". At the hearing before us, the second respondent, who appeared in person, accepted that the offences for which he was charged in *Dhanwant Singh (2025)* and the present case were two distinct offences and that, at least in the criminal law context, sentences are usually not ordered to run concurrently if they pertain to two distinct offences. In light of this, he suggested imposing a financial penalty in addition to a concurrent suspension period.

52 We were of the view that the second respondent's conduct, taken together with the relevant aggravating and mitigating factors, warranted that he be struck off the roll. We arrived at this position without relying on the proposition in *Christopher Yap* (at [50] above). In this regard, there were two critical aggravating factors which militated against any sanction other than a striking off being imposed on the second respondent – his antecedents as well as his seniority as a lawyer.

Aggravating factors

53 The second respondent's antecedents included the following:

(a) In *Law Society of Singapore v Dhanwant Singh* [1996] 1 SLR(R) 1 ("*Dhanwant Singh (1996)*"), he was *struck off* the roll for intentionally abetting his clients in producing false medical certificates to the court in order to delay proceedings.

(b) In *Law Society of Singapore v Dhanwant Singh* [2020] 4 SLR 736 (*"Dhanwant Singh (2020)"*), a fine of $50,000 was imposed on him for failing to deposit conveyancing moneys into his firm's conveyancing account.

(c) Finally, in *Dhanwant Singh (2025)*, the maximum suspension period of five years was imposed on him for failing to exercise proper supervision over a conveyancing clerk working under him.

54 We accepted the Law Society's submission that *Dhanwant Singh (1996)* was a "very dated" antecedent (as also observed in *Dhanwant Singh (2020)* at [128]). Nevertheless, what was relevant and caused this court grave concern was the fact that the second respondent had two other antecedents (namely, *Dhanwant Singh (2020)* and *Dhanwant Singh (2025)*) which were fairly recent and which pertained to misconduct and/or breaches of the professional rules while he was practising in the Firm.

55 In particular, the second respondent's conduct in *Dhanwant Singh (2025)* is worth highlighting due to the startling similarities there with the present case. The fact that an advocate and solicitor had previously committed a similar disciplinary offence is a "significant aggravating factor" (*Law Society of Singapore v Ravi s/o Madasamy* [2023] 4 SLR 1760 ("*Ravi s/o Madasamy*")

at [131], citing *Law Society of Singapore v Ng Bock Hoh Dixon* [2012] 1 SLR 348 ("*Dixon Ng*") at [35]).

56 In *Dhanwant Singh (2025)*, the second respondent conceded that he did not supervise his conveyancing clerk at all and had no idea what the clerk was doing despite being the solicitor on record for the transaction (at [32]–[33]). We had considered it aggravating that the second respondent was so far removed from the firm's handling of the transaction that the client (who made the complaint) was under a long-standing misapprehension that the clerk was a qualified lawyer. In our view, this was not merely a case of lack of proper supervision. It concerned a "total absence of supervision and total indifference" to what the clerk was doing in relation to the conveyancing work of the firm (at [42]). The clerk was allowed to correspond with the client *via* letters and e-mails in the name of the firm without the second respondent's knowledge. Moreover, the second respondent displayed a nonchalant attitude by failing to investigate further after the client had complained to him about the clerk's handling of the transaction (see [43]). This attitude ultimately allowed the clerk to raise funds from the client for the conveyancing transaction and misappropriate those funds.

57 It is true that the misconduct for which the second respondent was charged in the present case was "not a fresh one" in the sense of it being committed after the suspension in *Dhanwant Singh (2025)* was imposed. However, we considered that s 83(5) of the LPA is broad enough for the conduct forming the subject of *Dhanwant Singh (2025)* to be taken into account in determining the appropriate suspension period in the present instance. In this regard, s 83(5) of the LPA states as follows:

> In any proceedings under this Part, the court may in addition to the facts of the case take into account *the past conduct of the person concerned* in order to determine what order should be made.

[emphasis added]

58 This was also consistent with the approach which this court took in *Dixon Ng* (at [35]). There, the court accepted that the events for which the errant lawyer was charged occurred before he was subjected to the disciplinary proceedings for another offence and, as such, he might be considered to have not been acting "in defiant disregard of the law". However, the disciplinary proceedings for that other offence were still considered relevant to the issue of the appropriate sanction for the errant lawyer because they "demonstrated a disturbing *propensity* on the part of the [errant solicitor] to falsify documents" [emphasis in original].

59 Likewise, we were of the view that the second respondent's prior misconduct was of significance because it highlighted his callous disregard of his responsibilities to clients. Much like the misconduct in *Dhanwant Singh (2025)*, the second respondent attempted to distance himself from the conduct of the complainant's case. Despite knowing that he was the solicitor on record for the matter, he said that he did not have any dealings with the complainant and did not attend any meetings that were held with the complainant at the Firm. Even if this was true, we found no reason to place any weight on these arguments.

60 Indeed, we paid short shrift to similar arguments in *Dhanwant Singh (2025)* when we noted (at [37]) that the second respondent's lack of awareness of his conveyancing clerk's actions was a natural consequence of his non-supervision of the clerk. Likewise, the second respondent's lack of dealings with the complainant in the present case, even if true, was a natural consequence of his lack of supervision and/or control over the conduct of DC 2662 which allowed Mr Kumar to have *de facto* conduct of the suit. In both *Dhanwant Singh*

(2025) and the present case, the second respondent was so far removed from his clients' cases that he allowed unauthorised persons to correspond with them and collect money from them under his nose *at or around the same period*. This troubling pattern of nonchalance concerning his client's matters and his dereliction of duty as not just the solicitor on record, but also as the managing partner of the Firm, must be met with a sufficiently high degree of disapprobation.

61 We found (at [40] above) that the respondents would have been aware of the e-mail correspondence between the complainant and Mr Kumar. It should also be highlighted that, while no mention was made of the second respondent's attendance at the meetings with the complainant, it was clear to the DT that both respondents *knew* that Mr Kumar was meeting with and attending to the complainant regarding DC 2662. The second respondent did not dispute the DT's findings. Hence, even though the second respondent had sought to impress upon us that he did not have any dealings with the complainant (an assertion he likewise raised before the DT), we did not think that this assisted his case at all. To the contrary, it only served to demonstrate the second respondent's propensity to be completely indifferent to his client's matters.

62 The gravity of the second respondent's misconduct *vis-à-vis* that of the first respondent was also greater by virtue of his comparative seniority in terms of his number of years in practice, as well as his role as managing partner of the Firm. It is well established that, the more senior an advocate and solicitor, the more damage he does to the integrity of the legal profession (*Ravi s/o Madasamy* at [130(a)], citing *Law Society of Singapore v Nathan Edmund* [1998] 2 SLR(R) 905 at [33]). In the context of disciplinary proceedings for professional misconduct, seniority is a characteristic that attracts a heightened sense of trust and confidence so that, when a senior member of the profession

is convicted of professional misconduct, the negative impact on public confidence in the integrity of the profession is correspondingly amplified (*Ang Peng Tiam v Singapore Medical Council* [2017] 5 SLR 356 at [93]).

63 The second respondent was an advocate and solicitor of at least 32 years' standing whilst the first respondent was an advocate and solicitor of at least 23 years' standing at the time of their misconduct. Hence, the second respondent was more senior than the first respondent in terms of their length of time in practice. Moreover, it was also relevant that the second respondent was more senior than the first respondent in that he held a more senior position in the Firm as its managing partner. An advocate and solicitor who holds a managerial role in his firm would obviously have a higher degree of responsibility by virtue of that position. It bears mentioning that this is reflected in the more onerous duties which those in the management of a law practice must uphold, as statutorily enshrined in the Legal Profession (Professional Conduct) Rules 2015 ("LPPCR"). For instance, pursuant to r 35(7) of the LPPCR, the management of a law practice must ensure that the law practice complies with the requirements of the LPA (including the LPPCR). As such, it follows that, when the management of a law practice breaches the LPA and/or LPPCR, such conduct would naturally harm the trust and confidence in the legal profession even more than breaches by a legal practitioner who is not in the management of a law practice. Consequently, the second respondent's seniority, both in terms of his number of years in practice as well as his role as managing partner, carried more aggravating weight as compared to the first respondent. This translated to a more severe penalty being meted out to the second respondent.

Whether striking off was warranted

64 We were cognisant of the general principle that, save in the most exceptional circumstances, striking off will typically be the sanction where an advocate and solicitor is shown to have been *dishonest* (*Udeh Kumar* at [109]). However, we disagreed with the Law Society's submission that the second respondent was not dishonest. As already explained (at [41] above), in our view, this was a situation where the second respondent was patently dishonest. His dishonesty lay in his false representation, through his acts and omissions, to a member of the public (the complainant) that Mr Kumar was a practising lawyer. This was not a case of negligence, given that the second respondent *knew* full well that Mr Kumar was unfit to practise law and had been struck off the roll. It was a case of *deliberate concealment*.

65 In any event, the second respondent's conduct was also reflective of a fundamental lack of respect for the law. This is a character defect that renders a solicitor unfit to be a member of the legal profession (*Law Society of Singapore v Seow Theng Beng Samuel* [2022] 4 SLR 467 ("*Samuel Seow*") at [41(a)]). By allowing a lawyer whom he knew to have been struck off the roll to keep practising, the second respondent demonstrated nothing less than a complete disregard of this court's order that Mr Kumar be struck off, and of the law more generally. In such a case, striking off would be the presumptive penalty (*Samuel Seow* at [41(c)]). While such a presumption can be rebutted in *exceptional* cases by the presence of mitigating factors, there were clearly none in favour of the second respondent in this case. The only mitigating factor which applied to the second respondent was the fact that he had pleaded guilty. However, minimal weight was placed on his plea of guilt as it came late in the DT proceedings – the second respondent only admitted to the facts as stated in the Complaint on the day of the rescheduled DT hearing on 9 October 2024, and only pleaded

guilty to the charge *a day before* he was due to file his amended Defence on 20 November 2024 (see [20]–[22] above). In the circumstances, striking off was the only sensible and appropriate sanction.

66 In this regard, Ms Jill Ann Koh ("Ms Koh"), appearing as counsel for the Law Society, pointed out that s 83(2)(*b*) of the LPA "concerns far more serious misconduct which would traditionally include dishonest conduct which would in turn justify striking a lawyer off the [roll]" and that, in "typical" cases, striking off would be sought when a charge was brought under that provision, rather than s 83(2)(*h*) of the LPA under which the charge faced by the second respondent was brought in this case. Ms Koh appeared to be making the point that, because the second respondent was charged under s 83(2)(*h*) instead of s 83(2)(*b*), that in and of itself indicated that his conduct did not involve an element of dishonesty and/or was on the less serious end of the spectrum (although she accepted that being charged under s 83(2)(*h*) neither meant that striking off could not be ordered nor that it concerned a lesser offence).

67 With due respect to Ms Koh and the Law Society, we were unable to accept the relevance of this purported distinction between ss 83(2)(*b*) and 83(2)(*h*) of the LPA when it comes to the appropriate sanction to be ordered. These two provisions read as follows:

> **83.**—(2) … such due cause may be shown by proof that an advocate and solicitor —
>
> …
>
> (*b*) has been guilty of fraudulent or grossly improper conduct in the discharge of his or her professional duty or guilty of such a breach of any of the following as amounts to improper conduct or practice as an advocate and solicitor:
>
> (i) any usage or rule of conduct made by the Professional Conduct Council under section 71

> or by the Council under the provisions of this Act;
>
> (ii) Part 5A or any rules made under section 70H;
>
> (iii) any rules made under section 36M(2)(*r*);
>
> …
>
> (*h*) has been guilty of such misconduct unbefitting an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession;
>
> …

68 In *Law Society of Singapore v Wong Sin Yee* [2018] 5 SLR 1261 ("*Wong Sin Yee*") at [24], this court observed (citing *Law Society of Singapore v Ng Chee Sing* [2000] 1 SLR(R) 466 at [40]) that s 83(2)(*h*) is broader than s 83(2)(*b*) in that it is a "catch-all" provision operating when a solicitor's conduct does not fall within any of the other subsections of s 83(2) but is nonetheless considered unacceptable. We also noted that the standard of "unbefitting conduct" in s 83(2)(*h*) is "less strict".

69 This court had also stated the following in *Edwin Seah* (at [29]), which Ms Koh drew our attention to when she was asked if there was any case which stated that a charge under s 83(2)(*b*) would always be regarded as being more serious than one under s 83(2)(*h*):

> We note, however, that although their misconduct cannot be condoned, *there was no evidence of dishonesty* on the part of the respondents. Indeed, the respondents were charged under s 83(2)(*h*) of the [LPA]. This is to be contrasted with a situation where charges are brought under other provisions in s 83(2) of the [LPA] (for instance, s 83(2)(*b*), which involves far more serious misconduct and which would traditionally include dishonest conduct that would, in turn, justify striking the lawyer concerned off the roll). …
>
> [emphasis added]

70 The Law Society's understanding of the court's remarks in *Edwin Seah* was misguided. To begin with, this court had not intended to lay down a general proposition in *Edwin Seah* that an offence for which an advocate and solicitor was charged under s 83(2)(*h*) will never be one which involved an element of dishonesty and/or one that did not warrant striking off. Indeed, in *Edwin Seah*, the court had *first* found that there was *no evidence* of dishonesty on the part of the respondents before going on to comment on the sub-provisions under s 83(2). The court was doing no more than observing that, as a matter of charging practice, charges for more serious offences including those with an element of dishonesty *tended* to be brought under s 83(2)(*b*) rather than s 83(2)(*h*). This, however, did not mean that offences for which charges were brought under s 83(2)(*h*) would always be regarded as being less serious than those brought under s 83(2)(*b*). To say so would be tantamount to placing the cart before the horse. In the same vein, it may be the case that the same conduct can lead to a charge under either s 83(2)(*b*) or s 83(2)(*h*). The difference, as alluded to in *Wong Sin Yee* (see [68]), is that the threshold for due cause to be shown is lower for s 83(2)(*h*) as compared to s 83(2)(*b*). However, it does not necessarily follow that the sanction imposed by the court would be less severe just because a charge was brought under s 83(2)(*h*) instead of s 83(2)(*b*). Whether an offence is serious enough to warrant striking off would ultimately depend on the application of the relevant legal tests to the facts of each case. Put another way, once due cause is shown, whether under s 83(2)(*b*) or s 83(2)(*h*), the specific facts of each case would be scrutinised to determine the appropriate sanction to be meted out.

71 Accordingly, we ordered that the second respondent be struck off the roll of advocates and solicitors with effect from the date of our decision, *ie*, 12 November 2025.

Coda: Observations on Christopher Yap

72 As we were of the view that the second respondent's conduct was sufficiently serious to warrant being struck off the roll, there was no need to consider the Law Society's reliance on *Christopher Yap* in support of its submission that, as the second respondent would face a total suspension period of more than five years if we were minded to order a suspension period in the present case to run consecutively with the suspension period imposed in *Dhanwant Singh (2025)*, he should be struck off the roll by default. Nevertheless, for completeness, we make some observations on *Christopher Yap*.

73 In *Christopher Yap* (at [39]), this court affirmed its power, when exercising its disciplinary jurisdiction, to impose consecutive periods of suspension and held that "the [C3J] cannot in any circumstances impose a suspension period exceeding five years *in total*" [emphasis added]. Crucially, this court (at [41]) expressed the view that it would not be able to impose a consecutive suspension period on the same solicitor in a different case while that solicitor is already serving a period of suspension, if the duration of suspension in total would exceed five years:

> … the situation could arise where a solicitor's further wrongdoing surfaces and is brought before the [C3J] whilst he is serving his term of suspension imposed earlier for a different set of misconduct. If the court thinks that a five-year period of suspension would be the appropriate punishment to mete out to the solicitor for these newly surfaced wrongdoings, *can the court impose a five-year suspension to commence after the first period of suspension*? *We think the answer is in the negative*. If the court thinks that the solicitor deserves no less than a five-year suspension for the new wrongdoings, then the court should strike him off the roll. However, the position would be different if the second set of offences were to come before the court *after* the first period of suspension had already been served. The court could, in this situation, impose a suspension of up to five years, if it deems this to be appropriate.

[emphasis added]

74 The import of this observation in *Christopher Yap* is that under no circumstances should a solicitor be made to suffer a continuous suspension period of more than five years, whether arising from one or more disciplinary proceedings.

75 We have some misgivings as to whether the observation in *Christopher Yap* reflects a correct interpretation of s 83(1)(*b*) of the LPA, which gives this court the power to suspend an advocate and solicitor for a period not exceeding five years upon due cause being shown. We cannot find anything on a plain reading of the LPA which would lead to the conclusion that this court cannot impose a consecutive suspension period in a case before it if doing so would, when added to a previous suspension period imposed on the errant solicitor, result in him serving a total suspension period of more than five years.

76 There is also nothing in the legislative history of s 83(1)(*b*) of the LPA which supports the interpretation in *Christopher Yap*. The court's power to suspend errant solicitors from practice dates back to the period in which Singapore was a part of the Straits Settlements. It was first codified in s 50 of Ordinance No III of 1878 (SS Ord No 3 of 1878) (see Tan Yock Lin, *The Law of Advocates and Solicitors in Singapore and West Malaysia* (Malayan Law Journal, 1991) at p 5). A limit of three months to the term of suspension a court may impose was first introduced in s 109 of The Courts Ordinance 1907 (SS Ord No 30 of 1907). This limit was increased to two years in s 24 of The Courts Ordinance 1907 Amendment Ordinance 1910 (SS Ord No 11 of 1910). The provision remained substantively unchanged with the introduction of the LPA. In 1993, the limit was increased from two to five years (see s 14, Legal Profession (Amendment) Act 1993 (Act No 41 of 1993)). Nothing in the

recorded proceedings of the Straits Settlements Legislative Council, or the relevant parliamentary debates, suggests that the legislature had intended to proscribe the court's power to impose consecutive suspension periods exceeding five years in total across different proceedings.

77 We are also of the view that such a reading of s 83(1)(*b*) might, in some cases, operate unfairly in practice. To give one example, such a reading would result in an errant solicitor, who is *presently serving a four-year suspension period,* being struck off the roll if he is brought before this court because due cause has been shown for another disciplinary infraction and as long as he would have been sentenced to more than a year's suspension for that second disciplinary offence. On the other hand, if the errant solicitor *has already completed serving his four-year suspension* (even if by just a day) by the time he is brought before this court because due cause has been shown in relation to a second disciplinary infraction, he can be suspended for up to another five years. In the latter case, the lawyer can be ordered to serve two separate periods of suspension, of which each can be as long as five years, so long as the two periods are not continuous. But, in the former case, he would have to be struck off even though his second disciplinary offence might otherwise warrant only a sanction of just over a year's suspension.

78 We have some difficulty appreciating why the severity of the sanctions visited upon an errant solicitor could be so vastly different depending on *when* he is sanctioned by this court for his second offence, *ie*, whether it is during or after the end of the earlier suspension period. Often, the timing of his charge for his subsequent disciplinary offence and his appearance before this court after due cause is shown may be entirely fortuitous, although it may sometimes be dependent on circumstances that can be managed. This would, to say the least,

lead to the possibility of inconsistent outcomes and some degree of arbitrariness and possibly unfairness.

79 We stress, however, that we are not making any definitive determination on the correctness of the observation in *Christopher Yap* as it is unnecessary to do so in this case.

Conclusion

80 In the circumstances, we ordered that:

(a) the first respondent be suspended from practice for a period of five years, with the period of suspension to commence from the date of his discharge from bankruptcy; and

(b) the second respondent be struck off the roll of advocates and solicitors with effect from 12 November 2025.

81 We further ordered that the respondents pay the Law Society, in equal shares: (a) costs of $8,000 for the hearing before this court; (b) costs of $3,500 for the hearing before the DT; and (c) disbursements of $15,041.10 in total.

Tay Yong Kwang
Justice of the Court of Appeal

Steven Chong
Justice of the Court of Appeal

Ang Cheng Hock
Justice of the Court of Appeal

Jill Ann Koh Ying and Zhan Xiangyun (WongPartnership LLP) for the applicant;
Mahadevan Lukshumayeh (Lukshumayeh Law Corporation) and Adam Chong Yew Woon (LYTAG Law LLP) for the first respondent; and
The second respondent in-person.