

Singapore Institute of Legal Education
Foreign Practitioner Examinations 2014
Ethics and Professional Responsibility

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This syllabus is divided into 7 parts: legal infrastructure; responsibilities to the client; relationship between lawyers; the lawyer and the law practice; maintenance of ethical standards and disciplinary issues; responsibilities to the public; and the spirit of ethics. The statutory provisions which you need to cover are listed under Part A. Specific provisions and related case law are addressed in the subsequent headings of this syllabus. Note that some of the readings are included in the syllabus. Access to articles and other materials will be made available through LawNet.

For the Practice Directions, Guidance Notes and Rulings issued by the Law Society of Singapore, please refer to the Law Society’s Practice Directions and Rulings Guide 2013.

Recommended Books & Articles:

1. Jeffrey Pinsler, *Ethics and Professional Responsibility: A Code for the Advocate and Solicitor* (2007, Academy Publishing)
2. *Guide to Professional Conduct for Advocates and Solicitors* (2011, Law Society of Singapore).
3. *A Civil Practice: Good Counsel for Learned Friends* (2011, Academy Publishing)
4. Alvin Chen, “Judicial Developments in Ethical Lawyering in Singapore” (2013) 25 SAclJ 395.

(Version: 18 November 2014)

Part A. LEGAL INFRASTRUCTURE

(1) Legal Profession Act (Cap 161, 2009 Rev Ed)

- Singapore Institute of Legal Education (Pt II)
- Admission to the profession (Pt IIA)
- Law Society (Pt V)

- Professional Practice, Conduct & Discipline (Pt VI)
- Law corporations and limited liability partnerships (Pts VIA and B)
- Standards of conduct and disciplinary process (Pt VII)
 - Practising lawyers: s 82
 - Non-practising advocates and solicitors and legal officers: s 82A
 - Foreign lawyers registered under s 130I: s 82B
 - Expected standards and consequences of misconduct (s 83)
 - Disciplinary procedure and related provisions (ss 84-106)
- Remuneration (Pt VIII)
- Recovery and taxation of Costs (Pt IX)
- Joint law ventures, foreign law practices and alliances (Pt IXA)
- Intervention in law practices (First Schedule)
- Applicable process when professional services have been inadequate (Second Schedule)

(2) Legal Profession (International Services) Rules 2008 (S481/2008)

- Permitted areas of legal practice: r 3
- Professional conduct and etiquette of foreign lawyer registered to practise Singapore law: r 26

(3) Legal Profession (Professional Conduct) Rules (Cap 161, R 1)

- Paramount considerations: rr 2(2)(a)-(d)
- General practice (Pt II)
- Relationship with clients (rr 12-46)
- Relationship between lawyers (rr 47-53)
- Relationship with public (r 53A)

(4) Legal Profession (Solicitors' Accounts) Rules (Cap 161, R 8)

(5) Legal Profession (Solicitors' Trust Accounts) Rules (Cap 161, R 9)

(6) Legal Profession (Deposit Interest) Rules (Cap 161, R 5)

(7) Legal Profession (Solicitors' Remuneration) Order (Cap 161, Order 1)

(8) Legal Profession (Publicity) Rules (Cap 161, R 13)

(9) Law Society of Singapore's Practice Directions and Rulings

Part B. RESPONSIBILITIES TO THE CLIENT

(1) Who is a client?

- a. LPA, s 2(1). Consider *Law Society of Singapore v Uthayasurian Sidambaram* [2009] 4 SLR(R) 674.
- b. May a non-client become a 'client'? : *Law Society of Singapore v Ahmad Khalis bin Abdul Ghani* [2006] 4 SLR(R) 308; *Anwar Patrick Adrian v Ng Chong & Hue LLC* [2014] 3 SLR 761.
- c. Specific definition of a client: see, eg, LP(PC)R, r 31.

(2) Accepting instructions

- a. See, eg, LP(PC)R, rr 15 and 16.
- b. See (6) below concerning actual or potential conflict between lawyer's personal or related interest and prospective client's interest
- c. See below concerning actual or potential conflict of interests between prospective, current and former clients.
- d. Does a lawyer have to accept instructions? Consider the cab rank rule (which does not apply in Singapore: *Chong Yeo & Partners v Guan Ming Hardware & Engineering Pte Ltd* [1997] 2 SLR(R) 30) and issues arising out of the principle of access to justice (LP(PC)R, r 2(1)(d)).
- e. Position when instructed by agent (LP(PC)R, r 23). See *Law Society of Singapore v Uthayasurian Sidambaram* [2009] 4 SLR(R) 674; *Fong Maun Yee v Yoong Weng Ho Robert* [1997] 1 SLR(R) 751.
- f. Client's authority (warrant to act) in writing (Order 64, rule 7 (RC)). See *Tung Hui Mannequin Industries v Tenet Insurance Co Ltd & Ors* [2005] 3 SLR(R) 184. Also see *Tan & Au LLP v Goh Teh Lee* [2012] 4 SLR 1; *Riaz LLC v Sharil bin Abbas (through his deputy and litigation representative, Salbeah bte Paye)* [2013] SGHC 167; *Goh Eileen née Chia and another v Goh Mei Ling Yvonne and another* [2014] SGHC 3.
- g. Investigating client's circumstances (eg, Law Society's rules and guidelines on the prevention of money laundering and funding of terrorist activities).
- h. Where instructions involve impropriety. For example, where the lawyer knows or reasonably believes that the client is seeking advice for an illegal purpose (LP(PC)R, r 22). Also note that communications in furtherance of an illegal purpose are not protected by legal professional privilege (Evidence Act, s 128(1)(a)).
- i. Lawyer not to use improper means (such as touting and procuration) to obtain work (See below: 'D. The Lawyer and the Law Practice.')
- j. Relating to the client in a professional manner and courteous behaviour. For example, see *Law Society of Singapore v Chung Kok Soon* [2005] SGDC 10. Note the LP(PC)R, r 53A, which is considered under heading F(2) below.

(3) Honesty

- a. What does honesty mean? Everyone is expected to be honest but what is the significance of this moral attribute to legal practice?
- b. Consider the various obligations in the LP(PC)R, r 2(2)(a)-(d) in the context of honesty.

- c. An advocate and solicitor is an “Officer of the Supreme Court” (LPA, s 82). What does this mean?
- d. Court’s approach to dishonesty:
- “It is not simply a question of punishing the solicitor concerned. A further consideration must be what course should the court take to protect the public and to register its disapproval of the conduct of the solicitor. In the relevant sense, the protection of the public is not confined to the protection of the public against further default by the solicitor in question. It extends also to the protection of the public against similar defaults by other solicitors through the court publicly marking the seriousness of what the instant solicitor has done. The orders made must therefore accord with the seriousness of the default and leave no doubt as to the standards to be observed by other practitioners. In short, the orders made should not only have a punitive, but also a deterrent effect. There are also the interests of the honourable profession to which the solicitor belongs, and those of the courts themselves, to consider. The administration of justice can only proceed on the basis that solicitors can place reliance upon the honesty of the solicitors with whom they deal. The public too must be able to repose confidence in a profession which plays so indispensable a part in the administration of justice. Similarly, the courts of this country must be able to depend on the honesty and integrity of all practitioners appearing before them and to expect that they will maintain the highest standards of personal honesty and integrity in their dealings with the courts.” (*Law Society of Singapore v Ravindra Samuel* [1999] 1 SLR(R) 266, at [11]–[13].)
 - Also consider High Court’s observations in *Law Society of Singapore v Rasif David* [2008] 2 SLR(R) 955.
- e. LPA, s 74, First Schedule, Part 1 (intervention in law practice where dishonesty) and Part 2 (concerning “inadequate professional services”).
- f. Charging fairly for work done (LP(PC)R, r 2(1)(c) and r 38). See *Law Society of Singapore v Andre Ravindran Saravanapavan Arul* [2011] 4 SLR 1184; *Law Society of Singapore v Low Yong Sen* [2009] 1 SLR(R) 802; *Re Lau Liat Meng* [1992] 2 SLR(R) 186; *Wee Soon Kim Anthony v Law Society of Singapore* [2007] 1 SLR(R) 482; *Law Society of Singapore v Chua Swee Keng* [2008] SGDSC 6 (in relation to the third charge).
- g. Disclosure of information about fees (LP(PC)R, r 35. See *The Law Society of Singapore v Low Yong Sen Vincent* [2006] SGDSC 3; *The Law Society of Singapore v Chung Kok Soon* [2002] SGDSC 2.)
- h. Explanation of fees (LP(PC)R, r 36).
- i. Contingency fees prohibited (LPA, s 107 and LP(PC)R, r 37). See *Law Society of Singapore v Kurubalan s/o Manickam Rengaraju* [2013] 4 SLR 91.
- j. Fees chargeable in a conflict situation (LP(PC)R, r 43).
- k. Sharing fees with unauthorised person (LP(PC)R, r 39).
- l. Fees when retainer is terminated (LP(PC)R, rr 41 and 42).
- m. Proper and honest evaluation about client’s case (LP(PC)R, r 40). See *Lam Hwa Engineering & Trading Pte Ltd v Yang Qiang* [2014] 2 SLR 191; *Lock Han Chng Jonathan (Jonathan Luo Hancheng) v Goh Jessiline* [2008] 2 SLR(R) 455 (and see the appendix to the judgment for the CA’s preceding brief grounds of decision); *Blenwel Agencies Pte Ltd v Tan Lee King* [2008] 2 SLR(R) 529 (CA), [2007] SGHC 181 (HC). Also see *Zhou*

Tong and others v Public Prosecutor [2010] 4 SLR 534, at [19]-[21]. [Article: "Litigation and the Client's Right to Make an Informed Choice" [2008] 20 SAcLJ 21.

- n. Duty not to escalate costs (LP(PC)R, r 13). [Article: "Proportionality in Costs" [2011] 23 SAcLJ 125.
- o. Examples of specific rules governing remuneration: LPA, ss 106A-115 (remuneration and costs received by law practice); ss 116 -130 (recovery and taxation of costs); Legal Profession (Solicitors' Remuneration) Order (01/2004); Council directions on fees and non-refundable retainers e.g. PDR 2013, Paragraph 5 - Fee Agreements in Writing; PDR 2013, Paragraph 44 - Non-Refundable Deposit or Retainer. See e.g. *Law Society of Singapore v Tay Choon Leng John* [2012] 3 SLR 150; *Law Society of Singapore v Ang Chin Peng* [2013] 1 SLR 946.
- p. Operation of accounts. See below: 'D. The Lawyer and the Law Practice'.

(4) Competence and diligence

- a. To act in the best interests of his client (LP(PC)R, r 2(1)(c)). See generally e.g. *Law Society of Singapore v K Jayakumar Naidu* [2012] 4 SLR 1232.
- b. To use 'all reasonably available means [in accordance with the retainer] to advance his client's interest' (LP(PC)R, r 12). See *The Law Society of Singapore v Chiong Chin May Selena* [2013] SGHC 5; *Law Society of Singapore v Ng Bock Hoh Dixon* [2012] 1 SLR 348; *Lie Hendri Rusli v Wong Tan and Molly Lim (a firm)* [2004] 4 SLR(R) 594.
- c. Duty to competently advise and represent client (LP(PC)R, r 16; also see LPA, Second Schedule, para 1(1) and *Lie Hendri Rusli* (above), at [44]).
- d. Keeping client informed (LP(PC)R, r 17). See, for example, *The Law Society of Singapore v Zulkifli Bin Mohd Amin* [2009] SGGT 4; *The Law Society of Singapore v Chiong Chin May Selena* [2013] SGHC 5; *Law Society of Singapore v Udeh Kumar s/o Sethuraju* [2013] 3 SLR 875.
- e. Notification of receipt of money (LP(PC)R, r 18).
- f. Rendering a statement of account (LP(PC)R, r 19).
- g. Responding to clients (LP(PC)R, r 20).
- h. Evaluating options with clients (LP(PC)R, r 40: see under heading 3(m) (above) for related case law). This involves consideration of settlement proposals and other issues which may have an impact on resolving the case
- i. Duty to explain to the client. See r 21 and *The Law Society of Singapore v Zulkifli Bin Mohd Amin* [2009] SGGT 4; *Law Society of Singapore v K Jayakumar Naidu* [2012] 4 SLR 1232; *The Law Society of Singapore v Chiong Chin May Selena* [2013] SGHC 5.
- j. Completing work in reasonable time (LP(PC)R, rr 14 and 15). For example, see *Law Society of Singapore v Ng Chee Sing* [2000] 1 SLR(R) 466.
- k. Addressing the needs of clients. See, for example, *Law Society of Singapore v Ahmad Khalis bin Abdul Ghani* [2006] 4 SLR(R) 308, at [68]; *Law Society of Singapore v Vardan Vasantha Lakshmi* [2007] 1 SLR(R) 240, at [33]. C.f. *Law Society of Singapore v Udeh Kumar s/o Sethuraju* [2013] 3 SLR 875.
- l. Consequences when lawyer's work does not meet the required standard (LPA, Second Schedule: 'Inadequate professional services'; Legal Profession (Inadequate Professional Services Complaint Inquiry) Rules (Cap 161, R 18, 2000 Rev Ed)).

- m. Lawyers must relate to each other in a professional manner so as not to compromise their clients' interests and the interests of justice. [See heading C(6) below.]

(5) Confidentiality

- a. Rule 24 of the LP(PC)R.
- b. Distinguish between the lawyer's general duty of maintaining confidentiality and the doctrine of legal professional privilege under the Evidence Act (Cap 97).
- c. Note the recent development concerning the application of common law legal professional privilege: *Yap Sing Lee v MCST No 1267* [2011] SGHC 24.

(6) Lawyer's personal and related interests

- a. Disclosure of interest (LP(PC)R, r 26). See, for example, *Law Society of Singapore v Narayanan* [1974-1976] SLR(R) 155; *Law Society of Singapore v Low Yong Sen* [2009] 1 SLR(R) 802.
- b. Where lawyer's interest conflicts with or is adverse to client (LP(PC)R, rr 25 and 27). Eg, *Ho Kon Kim v Betsy Lim* [2001] SGHC 75; [2001] SGCA 64.
- c. 'Borrowing transactions' (LP(PC)R, rr 32-34). Eg, *Law Society of Singapore v Yap Bock Heng Christopher* [2014] SGHC 188; *The Law Society of Singapore v Devadas Naidu* [2001] 1 SLR(R) 65. Cf *Re Shan Rajagopal* [1994] 2 SLR(R) 60.
- d. Purchases from client (LP(PC)R, r 45).
- e. Gifts from a client (LP(PC)R, r 46). See *Law Society of Singapore v Wan Hui Hong James* [2013] 3 SLR 221.
- f. Personal relationship with client which compromises the professional relationship. See, for example, *The Law Society of Singapore v Singham Dennis Mahendran* [2001] 1 SLR(R) 1.
- g. Examples of improper arrangements: *Law Society of Singapore v Tan Phuay Kiang* [2007] 3 SLR(R) 477; *Law Society of Singapore v Vardan Vasantha Lakshmi* [2007] 1 SLR(R) 240; *Ohm Pacific Sdn Bhd v Ng Hwee Cheng Doreen* [1994] 2 SLR(R) 633; *The Law Society of Singapore v Subbiah Pillai* [2004] 2 SLR 447; *The Law Society of Singapore v Khushvinder Singh Chopra* [1998] 3 SLR(R) 490; *The Law Society of Singapore v Soh Wee Din* [1996] SGDSC 9.
- h. Lawyer must cease act if he is, or has been personally involved, in the case. For example, where he is a witness (LP(PC)R, r 64), or where he may have been responsible for the dispute. See *Then Khek Khoon & Anor v Arjun Permanand Samtani & Anor* [2012] 2 SLR 451; *Re Afro-Asia Shipping Co (Pte) Ltd; Ho Kon Kim v Betsy Lim Gek Kim & Ors* [2001] SGHC 75; *Ho Kon Kim v Betsy Lim Gek Kim & Ors* [2001] SGCA 64, at [61]–[63].

(7) Conflict of interests

- a. Potential conflict of interest: LP(PC)R, r 28; *Lie Hendri Rusli v Wong Tan and Molly Lim (a firm)* [2004] 4 SLR(R) 594, at [36], [48]–[50]; *Law Society of Singapore v Uthayasurian Sidambaram* [2009] 4 SLR(R) 674; *Law Society of Singapore v Subbiah Pillai* [2004] 2 SLR(R) 447; c.f. *Law Society of Singapore v K Jayakumar Naidu* [2012] 4 SLR 1232 at [77].
- b. On wilful blindness amounting to a conflict of interests, see *Law Society of Singapore v Udeh Kumar s/o Sethuraju* [2013] 3 SLR 875.

- c. Conflict of interest between client and other person: LP(PC)R, rr 25(b) and 30; *The Law Society of Singapore v Surinder Singh Dhillon* [2010] SGGT 8; *Law Society of Singapore v Ahmad Khalis bin Abdul Ghani* [2006] 4 SLR(R) 308, at [74]; *Lie Hendri Rusli v Wong Tan and Molly Lim (a firm)* [2004] 4 SLR(R) 594, at [48]-[50]; *Law Society of Singapore v Ganesan Krishnan* [2003] 2 SLR(R) 251.
 - d. Representation of parties in dispute: LP(PC)R, r 29; *Ong Jane Rebecca v Lim Lie Hoa* [2002] 1 SLR(R) 798.
 - e. Interest of former client: LP(PC)R, r 31; *India International Insurance Pte Ltd v Ho Chai Hong Joanne* [2013] SGDC 193 at [56]-[57]; *Vorobiev Nikolay v Lush John Frederic Peters and others* [2011] 1 SLR 663; *Richard Hoare v Norhayati Binte Abdul Jali* [2011] SGDC 58; *Law Society of Singapore v Seah Li Ming Edwin* [2007] 3 SLR(R) 401; *Seet Melvin v Law Society of Singapore* [1995] 2 SLR(R) 186; *Alrich Development Pte Ltd v Rafiq Jumabhoy (No 2)* [1994] 3 SLR(R) 38; *Rakusen v Ellis Munday & Clarke* [1912] 1 Ch 831, at 835; *Bolkiah v KPMG (a firm)* [1999] AC 222; *Ong Jane Rebecca v Lim Lie Hoa & Ors* [2002] 1 SLR(R) 798. [Law Society Ethics Committee commentary: “Duties to Former Clients: Ethical Considerations” (Law Society Gazette, October 2009) and “Acting Against a Former Client – When are matters Not related”? (Law Society Gazette, March 2011).]
- (8) Ethical issues arising from the retainer
- a. Nature of the retainer.
 - b. Importance of expressing or confirming the terms of the retainer (to establish the scope of the lawyer’s work and his authority): *Active Timber Agencies Pte Ltd v Allen & Gledhill* [1995] 3 SLR(R) 334, at [27].
 - c. Implied retainer (*Law Society of Singapore v Ahmad Khalis bin Abdul Ghani* (above); *Anwar Patrick Adrian v Ng Chong & Hue LLC* [2014] 3 SLR 761).
 - d. Fees: This topic has been considered under B(3) ‘Honesty’.
 - e. Termination of retainer and withdrawal (LP(PC)R, rr 41 and 42).

Part C. RELATIONSHIP BETWEEN LAWYERS

- a. The rules governing the relationship between lawyers are not merely concerned with a lawyer’s entitlement to respect from his colleague. Lawyers must relate professionally to each other in keeping with their standing (indeed, their positions as officers of the court), their responsibility to assist in the administration of justice, and in order to advance their clients’ interests. [Booklet: “A Civil Practice: Good Counsel for Learned Friends” (Singapore Academy of Law, 2011); Articles: “Towards a More Courteous Professional Relationship” (William Wan, Singapore Law Gazette, Sept 2004); “Ethics in Chamber Hearings: Observations on Certain Practices” [2008] 20 SAcLJ 746.
- b. Lawyers must treat each other with ‘courtesy and fairness’ (LP(PC)R, r 47). This also means that they must not become personally involved to the extent of subjugating their clients’ interests in the litigation. For example, where a lawyer pursues litigation because of antagonism against the opposing lawyer. Such conduct would also be in breach of the LP(PC)R, r 40, which requires proper evaluation of the merits with the client (r 40 is considered under heading B(3)(m)). C.f. *Law Society of Singapore v K Jayakumar Naidu* [2012] 4 SLR 1232 at [77].

- c. Communications between lawyers: *The Law Society of Singapore v Terence Tan Bian Chye* [2007] SGDSC 10; (LP(PCR)(R), r 47 and PDR 2013, Paragraph 27 - Letters Threatening Criminal Proceedings/ Offensive Letters.
- d. They must not communicate with represented clients save in exceptional circumstances (LP(PC)R, r 48).
- e. They may give a 'second opinion' in specific circumstances (LP(PC)R, r 49).
- f. They must observe the applicable conditions when taking over a case from another advocate and solicitor (LP(PC)R, r 50).
- g. They must honour undertakings which they give to each other (LP(PC)R, r 51). This rule is considered under heading C(1)(I).
- h. They may be responsible for each other's fees (LP(PC)R, r 52).
- i. They may not be able to disclose certain mutual communications to the court without the other's consent (LP(PC)R, r 53).
- j. Also see r 70 (concerning notice before entering judgment in default).
- k. Also see r 71 (allegations against lawyers in an affidavit), for example, *Thong Sing Hock v PP* [2009] 3 SLR(R) 47; *Gao Hua v PP* [2009] 3 SLR(R) 800; *Ong Jane Rebecca v PricewaterhouseCoopers* [2012] 3 SLR 606.

Part D. THE LAWYER AND THE LAW PRACTICE

(1) Types of law practices

- a. Apart from ordinary law practices such as partnerships and sole-proprietorships, note specific legislation concerning law corporations (LPA, Pt VIA), limited liability law partnerships (Pt VIB), foreign law practices and related associations, foreign lawyers, joint law ventures and formal law alliances (Pt IXA).
- b. Group practices (Legal Profession (Group Practice) Rules (Cap 161, R 19, 2001 Rev Ed)).
- c. Position of locum solicitors (for definitions, see LPA, s 2; LP(PC)R, r 3(2)).

(2) Operation of law practice

- a. Practising certificates and qualifications relating to practice (LPA, Pt III and see below).
- b. Requirements under the LPA concerning practice (LPA, Pts VI-VIB).
- c. Responsibilities of the Law Society and its members (LPA, Pt V).
- d. Responsibilities concerning practice under the LP(PC)R (see rr 4-11C).
- e. Management of accounts of a law practice. There are various sources of accounting rules including, for example, the Legal Profession (Solicitors' Accounts) Rules, the Legal Profession (Deposit Interest) Rules and the Legal Profession (Trust Accounts) Rules. See, for example: *Law Society of Singapore v Yap Bock Heng Christopher* [2014] SGHC 188; *Law Society of Singapore v Zulkifli bin Mohd Amin* [2011] 2 SLR 620; *The Law Society of Singapore v Tan Tiong Hian Raymond* [2010] SGGT 10; *Re Andre Ravindran Saravanapavan Arul* [2010] SGGT 7; *Law Society of Singapore v Uthayasurian Sidambaram* [2009] 4 SLR(R) 674; *Law Society of Singapore v Khong Siak Meng David* [2009] SGGT 1; *Law Society of Singapore v Chua Swee Keng* [2008] SGDSC 6; *Law Society of Singapore v Tan Chwee Wan Allan* [2007] 4 SLR(R) 699; *Law Society of Singapore v Tay Eng Kwee Edwin* [2007] 4 SLR(R) 171; *Law Society of Singapore v Tan*

Phuay Kiang [2007] 3 SLR(R) 477; *Law Society of Singapore v Chiong Chin May Selena* [2005] 4 SLR(R) 320; *Law Society of Singapore v Quan Chee Seng Michael* [2003] SGHC 140; *Law Society of Singapore v Lim Yee Kai* [2001] 1 SLR(R) 30; *Law Society of Singapore v Pang Xiang Zhong* [1999] SGDSC 9; *Law Society of Singapore v Anand K Thiagarajan* [2009] SGT 2; *Law Society of Singapore v Lim Yee Kai* [1998] 2 SLR(R) 895; *Law Society of Singapore v Lim Yee Kai* [2001] 1 SLR(R) 30; *Law Society of Singapore v Lim Liap Khee* [2001] 2 SLR(R) 398; *Law Society of Singapore v Prem Singh* [1999] 3 SLR(R) 126 at [22]; *Law Society of Singapore v Wong Kai Kit* [1993] 3 SLR(R) 721; *Re Cashin HE, an Advocate and Solicitor* [1988] 1 MLJ 380.

- f. Publicity:
- Legal Profession (Publicity) Rules (Cap 161, R 13): General responsibilities (ss 4 and 5); publicity relating to specialisation, work experience and successes (s 6); publicity which is misleading, deceptive or inaccurate (s 7); contributions to good causes (s 8); publicity relating to third parties (s 9); where publicity relates to free legal advice (s 10); publicity out of Singapore (s 11); jurisdictional issues (s 12).
 - LP(PC)R, rr 4, 6, 10, 11A and B.
 - See, eg, *The Law Society of Singapore v Soh Wee Din* [1997] SGDSC 1; *The Law Society of Singapore v S Kunalen D Samuel & Anor* [1988] SGDSC 3.
- g. Restrictions on procurement of work: LPA, s 83(2)(d)–(g) and LPA, s 78(1)(e); LP(PC)R, rr 11A and B. Cases include *Law Society of Singapore v Lee Cheong Hoh* [2001] 1 SLR(R) 197; *The Law Society of Singapore v Tan Buck Chye* [2007] 1 SLR(R) 581; *The Law Society of Singapore v Lau See-Jin Jeffrey* [1999] 1 SLR(R) 724; *The Law Society of Singapore v Lillian Bay Puay Joo* [2008] 2 SLR(R) 316; *The Law Society of Singapore v Tan Guat Neo Phyllis* [2008] 2 SLR(R) 239; *The Law Society of Singapore v Yap Kok Kiong* [2006] SGDSC 14; *Law Society of Singapore v Chong Wai Yen Michael* [2012] 2 SLR 113; *Law Society of Singapore v Udeh Kumar s/o Sethuraju* [2013] 3 SLR 875.
- h. Restrictions on appointments and occupations: LPA, s 83(2)(i); LP(PC)R, rr 10 and 11.

Part E. MAINTENANCE OF ETHICAL STANDARDS AND DISCIPLINARY ISSUES

- (1) Standards of conduct: LPA, ss 82, 82A, 82B and 83.
- (2) Procedure governing the disciplinary process: LPA, Pt VII.
- (3) Powers of the Law Society to intervene in law practice: LPA, s 74 and First Schedule.
- (4) Redress for inadequate professional services: LPA, s 75B and Second Schedule.

Part F. RESPONSIBILITIES TO THE PUBLIC

- (1) The ultimate purpose of ethics is to justify public confidence in the access to legal services which are honestly, competently and effectively delivered by trustworthy lawyers in accordance with the norms of justice. Accordingly, this topic underlies all the preceding lectures. Consider LP(PC)R, r 2(2)(a)–(d). The public interest is fundamental to each of these categories. See *Law Society of Singapore v Chung Ting Fai* [2006] 4 SLR(R) 587, at [43] for a consideration of the lawyer's public responsibilities.

- (2) The preceding topics covered the lawyer's responsibilities to his client, the administration of justice, other lawyers and the various legal institutions. The lawyer is also accountable to other persons or organisations to whom he relates in the course his work (including, for example, information providers, witnesses, employees of his law practice (including the tea-lady!) and opposing parties. The LP(PC)R, r 53A states: 'An advocate and solicitor shall not take unfair advantage of any person or act towards anyone in a way which is fraudulent, deceitful or otherwise contrary to his position as advocate and solicitor or officer of the court.' Some of these duties may be expressed as follows:
- a. Duty to be courteous to persons or institutions with which he communicates. For example, *The Law Society of Singapore v Lim Khor Chin* [1994] SGDSC 7.
 - b. Duty to be professional and courteous in his communications. For example, *The Law Society of Singapore v Chew Kia Heng* [2001] SGDSC 3; *The Law Society of Singapore v Peter Pang Xiang Zhong* [2006] SGDSC 21. Also note the rules concerning the content of letters of demand (in particular, the LP(PC)R, r 69 and PDR 2013, Paragraph 27 - Letters Threatening Criminal Proceedings/ Offensive Letters, paras 24(a) and (b)).
 - c. Duty not to compromise the opposing party's legal position (in a contentious or non-contentious situation) by acting in a manner which is contrary to the interests of justice.
 - d. Duty not to compromise an unrepresented party's position by treating him as a client or by giving him advice: For example, *Law Society of Singapore v Ahmad Khalis bin Abdul Ghani* [2006] 4 SLR(R) 308, at [82].
 - e. Duty to cooperate with legal requirements of public institutions: For example, *The Law Society of Singapore v Tham Yu Xian Rick* [1999] 3 SLR(R) 68; *Law Society of Singapore v Ong Ying Ping* [2005] 3 SLR(R) 583.
 - f. Duty not to hinder access to justice by obstructing the litigation process (for example, by delaying proceedings or exacerbating costs).
 - g. Duty to honour undertakings to any person (not just the court, his client or another lawyer). See LP(PC)R, r 51. Eg, an undertaking to pay fees to a professional witness or to account for money which the lawyer holds as stakeholder.
 - h. Duty to promote access to justice by those who would otherwise not be able to afford legal representation. (Information concerning pro bono practice available on Law Society's website.)

Part G. THE "SPIRIT" OF ETHICS

Consider: *Wong Keng Leong Rayney v Law Society of Singapore* [2006] 4 SLR(R) 934, at [84]; *Law Society of Singapore v Tan Phuay Khiang* [2007] 3 SLR(R) 477, at [100] and [120]; *Law Society of Singapore v Ahmad Khalis bin Abdul Ghani* [2006] 4 SLR(R) 308, [81] & [82]; *Then Khek Khoon & Anor v Arjun Permanand Samtani & Anor* [2012] 2 SLR 451, at [47] & [48]; *Law Society of Singapore v Wan Hui Hong James* [2013] 3 SLR 221 at [84]. [Article: "A Clarion Call to Lawyers to be 'Unflinchingly Loyal' to their Clients" [2007] 19 SAclJ 231.]