

Chiam Heng Hsien and another v Law Society of Singapore
[2013] SGHC 24

Case Number : Originating Summons No 386 of 2012
Decision Date : 25 January 2013
Tribunal/Court : High Court
Coram : Lee Seiu Kin J
Counsel Name(s) : Plaintiff in person; Prabhakaran Nair (Derrick Wong & Lim BC LLP) for the defendant.
Parties : Chiam Heng Hsien and another — Law Society of Singapore

legal profession – disciplinary procedures

25 January 2013

Lee Seiu Kin J:

1 In this originating summons (“OS”), the plaintiff applied for “an Order that a formal investigation by a Disciplinary Tribunal be conducted by the Law Society for our complaint against Mr Andre Francis Maniam and Ms Koh Swee Yen” and “an Order for the Law Society of Singapore to refer this matter with clear documentary evidence to the 3-Judges Court for appropriate action in order to uphold if the Law Society has no power to interpret the law to enable them to conduct a formal investigation from the clear and solid evidence already with them”.

2 This matter has a rather long history. On 27 May 2008, the plaintiff lodged a complaint to the Law Society (“TLS”) against Mr Andre Francis Maniam and Ms Koh Swee Yen (“the Solicitors”). TLS appointed inquiry committee no 55 of 2008 (“IC55/2008”) to investigate the matter. After due inquiry, which included conducting a hearing and considering submissions of both sides, IC55/2008 found that a formal investigation was not necessary as there was no merit in the plaintiff’s complaints. IC55/2008 published its report on 6 May 2009. Dissatisfied with the decision of IC55/2008, the plaintiff filed originating summons no 849 of 2009 to apply for an order under s 96 of the Legal Profession Act (Cap 161, 2009 Rev Ed) directing the appointment of a Disciplinary Tribunal. This was heard by Andrew Ang J on 16 November 2009 at the end of which he dismissed the application with costs fixed at \$5,000. Less than one month later, on 7 December 2009, the plaintiff lodged another complaint with TLS against the Solicitors. TLS appointed inquiry committee no 18 of 2010 (“IC18/2010”) which investigated the matter and published its report on 29 February 2012. IC18/2010 observed that the plaintiff had made the same complaint that was dealt with by IC55/2008. However, noting that the plaintiff had asserted that this was a “fresh complaint”, IC18/2010 considered the merits of the complaint and decided that it should be dismissed with no further action to be taken against the Solicitors.

3 Dissatisfied with the decision of IC18/2010, the plaintiff took out this OS on 19 April 2012. I heard the parties on 6 August 2012. The plaintiff acted in person and tendered his written submissions, which he supplemented with an oral submission. Counsel for TLS also tendered his written submissions. After hearing both sides I concluded that the decision of IC18/2010 was correct for the reasons given in paras 10 and 11 of its report of 29 February 2012. I was therefore satisfied that there was no ground to make the order prayed for under s 96 of the Legal Profession Act and dismissed the OS with costs fixed at \$4,000.

Copyright © Government of Singapore.