

IN THE COURT OF THREE JUDGES OF THE REPUBLIC OF SINGAPORE

[2019] SGHC 12

Originating Summons No 6 of 2018

Between

Law Society of Singapore

... Applicant

And

Jaya Anil Kumar

... Respondent

EX TEMPORE JUDGMENT

[Legal Profession] — [Disciplinary procedures] — [Direct application to Court of Three Judges] — [Section 94A(1) Legal Profession Act (Cap 161, 2009 Rev Ed)]

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Law Society of Singapore

v

Jaya Anil Kumar

[2019] SGHC 12

Court of Three Judges — Originating Summons No 6 of 2018
Tay Yong Kwang JA, Belinda Ang Saw Ean J and Quentin Loh J
22 January 2019

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Tay Yong Kwang JA (delivering the judgment of the court *ex tempore*):

1 Ms Jaya Anil Kumar graduated in 2011 with a degree in Law from the National University of Singapore (“NUS”). On 18 January 2018, she pleaded guilty to two charges involving forgery of academic documents (the Official Transcript of subject grades and the LLB degree certificate) and consented to have three other such charges and one charge of attempted cheating taken into consideration for the purpose of sentencing. The first offence in January 2013 concerned her submission of a forged Official Transcript of subject grades to the Legal Service Commission (“LSC”). The second offence in October 2016 was for submitting a forged LLB degree certificate to the LSC. The degree certificate had been altered by her to show a false class of honours of Second Class Upper instead of the Second Class Lower which she had obtained. She was fined \$5,000, with three weeks’ imprisonment as a default sentence, for each charge. She paid the fines.

2 On these facts, the Law Society applied for an order pursuant to s 94A and s 98 of the Legal Profession Act (Cap 161, 2009 Rev Ed) (“LPA”) that Ms Jaya Anil Kumar be dealt with under s 83 of the LPA. Counsel for Ms Jaya Anil Kumar accepts that due cause is shown on the facts as set out above and seeks only to address the Court on the appropriate sanction.

3 Her counsel urges this Court to order “a longer suspension” instead of striking her off as an advocate and solicitor. He accepts that her misconduct was “grave and indefensible” but submits that she was young and inexperienced at the time of the offences and that her misconduct committed early in her legal career did not by itself indicate an irredeemable character defect that renders her permanently unsuitable for the legal profession.

4 As for youthfulness, we believe that any law student or young law graduate would know that forgery of documents is dishonesty and is a crime. Ms Jaya Anil Kumar may have been inexperienced in January 2013 but we are looking at deliberate criminal acts here, not incompetence or error of judgment. Although she did not get a job with the Singapore Legal Service, she had gone through an interview with the LSC with her grades in 21 out of 27 subjects falsified to show better grades than the actual results.

5 On top of this, more than three years after the first dishonest act, she repeated and compounded her criminal conduct by submitting the said forged academic documents in May 2016 to R&T Asia Resources Pte Ltd and then in October 2016 to the LSC again. These were done with the hope of improving her chances of obtaining a job with the respective entities.

6 Her conduct shows a consistent trend of resorting to dishonest means to try to get what she wants as a career. Upon the inconsistency in the documents

being noticed, she was not upfront and tried to avoid detection by not giving her consent to the LSC to make enquiries with the NUS. Next, she gave the excuse that she “mis-scanned” and might have mixed up her documents with those of her friend. Her “voluntary” sending of the genuine academic documents to the LSC after all these does little to mitigate the persistent criminal conduct.

7 In our opinion, her conduct falls plainly within the first category of cases mentioned by an earlier Court in *Law Society of Singapore v Chia Choon Yang* [2018] 5 SLR 1068. The Court in that case stated at [39] of the judgment that misconduct involving dishonesty will almost invariably warrant an order for striking off where the dishonesty reveals a character defect rendering the errant solicitor unsuitable for the profession and that this would typically be the case where the dishonesty is integral to the commission of a criminal offence of which the solicitor has been convicted. We do not see how being consumed about wanting a particular career mitigates the offences of forgery of one’s academic credentials.

8 On the above facts, due cause under s 83 of the LPA has clearly been shown. We find that there are no exceptional circumstances justifying any sanction other than the ultimate one of striking off. We therefore think that striking off is the only appropriate sanction here.

9 We are sad that we have to come to this conclusion but we are constrained by the facts and the criminal acts which have been acknowledged to be “grave and indefensible”. However, we are certainly not saying that Ms Jaya Anil Kumar is irredeemably dishonest. Everyone can repent and change. During the coming years, she will have to re-order her young life, re-focus on what is truly important, show the fruits of repentance and make a good case for the Court to reinstate her as an advocate and solicitor sometime in the future.

10 The Law Society has asked for \$6,000 as the costs and disbursements for this application. Counsel for Ms Jaya Anil Kumar leaves the question of costs to the Court. As this application is relatively straightforward, without the need to go through any Disciplinary Tribunal records, we fix costs and disbursements at \$5,000 to be paid by Ms Jaya Anil Kumar to the Law Society.

Tay Yong Kwang
Judge of Appeal

Belinda Ang Saw Ean
Judge

Quentin Loh
Judge

Rajan Menon Smitha (WongPartnership LLP) for the applicant;
Abraham S Vergis and Loo Yinglin Bestlyn (Providence Law Asia
LLC) for the respondent.
